

IMMIGRATION MANUAL

A GUIDE TO IMMIGRANT ISSUES IN SOUTH CAROLINA

South Carolina Appleseed Legal Justice Center
February 2005



FOREWORD

The South Carolina Appleseed Legal Justice Center is dedicated to advocacy for low-income people in South Carolina to effect systemic change by acting in and through the courts, legislature, administrative agencies, community and the media, and helping others do the same through education, training and co-counseling. To find out more about SCALJC, go to www.scjustice.org on the Internet.

This manual does not contain all the information you need to know when dealing with immigrant issues. You may want to talk to a lawyer about your situation.

If you do not have a lawyer, **whether you are documented or not**, the South Carolina Bar Lawyer Referral Service can give you the name of a lawyer who is willing to meet with you and advise you at a lower rate. For the name of a lawyer in your area, call the Lawyer Referral Service at (800) 868-2284 statewide or (803) 799-7100 in Columbia.

Ask -A-Lawyer volunteers from the South Carolina Bar are also available to answer your legal questions free. Call toll-free, (888) 321-3644. **They should be able to assist both those immigrants who are documented and those who are not.**

If you are a **documented immigrant** and have a very low income, your local legal services office may be able to help you. **Your local legal services office will also assist undocumented immigrants if they are the victims of domestic violence, as long as the help they are seeking is related to the abuse. They can also represent victims of trafficking.** To get in touch with them, call the Legal Assistance Telephone Intake Service for a referral (888) 346-5592 statewide or (803) 744-9430 in Columbia. **If you are unsure of if you will qualify for legal services' assistance, due to your status, it would be best to call and check to see if they can help you.**

Copyright retained by South Carolina Appleseed Legal Justice Center. For permission to reproduce this manual, contact SCALJC at P.O. Box 7187, Columbia, SC 29202.

TABLE OF CONTENTS

I.	Terms	1
	<i>This section lists terms and their definitions. The terms will be used in the guidebook.</i>	
II.	Public Benefits Eligibility	5
	<i>Am I eligible for Medicaid, TANF, Food Stamps, or SSI?</i>	
III.	Overcoming Barriers to Public Benefits	13
	<i>Will I be a public charge if I get public benefits? Do I have to get a sponsor? Can I get public benefits if I have a sponsor? What is an Affidavit of Support? Will the state agency report me to the immigration officials if I apply for public benefits?</i>	
IV.	Resources for Undocumented Immigrants	16
	<i>What options do I have as an undocumented immigrant? What kind of services can I access? Can I get public benefits? How can I get health care for me and my family?</i>	
V.	Immigrants and Education	18
	<i>Does my immigrant child have a right to a free public education? What kind of information do I have to give the school about my family's immigration status? Can I go to college? Can I get in-state tuition or financial aid?</i>	
VI.	Immigrants and Housing	20
	<i>Do I qualify for public housing or subsidized housing? Where can I turn if I need housing assistance? Can I go to a homeless shelter?</i>	
VII.	Domestic Violence and Stalking	23
	<i>What is domestic violence? What is stalking? What help is there for me if I am undocumented?</i>	
VIII.	Reporting Requirements	25
	<i>Who is required to report undocumented immigrants to the immigration officials?</i>	
IX.	Language Access	27
	<i>Do I have a right to an interpreter? Do I have a right to have written materials translated? Which organizations and agencies have to provide interpreters? Can I use a family member or friend to interpret for me?</i>	
X.	Driver's Licenses	29
	<i>Can I get a driver's license in South Carolina? What documents do I need to get a driver's license in this state? If I cannot get a driver's license, how can I get an identification card?</i>	
XI.	Charts	32
	<i>Duty to Report, Public Benefits Eligibility, Food Stamps, Medicaid, SSI, TANF,</i>	

I. TERMS

In this handbook, you will see the use of these terms. It may help to refer to this section while reading the material.



Asylee

A person who has been given protection. People apply for this type of protection once they have crossed into the United States. The protection is based on a fear of being treated unfairly due to:

- Race
- Religion
- Political opinion
- Citizenship

Amerasian

A U.S. serviceman's child, fathered in a Southeast Asian country during a time of conflict. An Amerasian is a Legal Permanent Resident.

Battered Immigrant Spouse or Child:

A qualified immigrant who is:

- ❖ A victim of domestic violence; **and**
- ❖ Has a pending or approved visa petition filed under Violence Against Women Act (VAWA); **or**
- ❖ Has pending an application for cancellation of a removal under VAWA;
- ❖ **And** whose need for benefits is largely related to the battery or cruelty;
- ❖ Also includes the child of a battered spouse.



Cancellation of Removal

Changing one's status from that of deportable to one of lawfully admitted for permanent residence.

Conditional Entrant

An immigrant let in as a refugee.

Cuban and Haitian Entrant:

A Cuban or Haitian paroled into the United States. The person can also be a Cuban or Haitian, who applies for protection from removal. People in this group are “qualified” immigrants.

Deportable Alien

An immigrant in and admitted to the United States subject to any grounds of removal in the law. This includes any immigrant illegally in the United States.

Deportation

Making an immigrant leave the United States when he or she has violated the immigration laws. It is now called removal.

Eligible Immigration Status (term typically used to describe who is eligible for public housing assistance)

Non-citizens who fall into one of the following groups:

- Special agriculture workers
- People who came and kept a residence in the U.S. prior to 1972
- People let in under refugee or asylee status
- People who have parole status from the Attorney General
- People who have had removal relieved
- People who have been given amnesty (forgiveness)

Green Card

A card that shows that a person is a Lawful Permanent Resident (LPR). It is also known as a Permanent Resident Card.

Inadmissible

An immigrant seeking entry to the U.S., who does not meet the criteria for entry. The immigrant may be placed in removal proceedings or, allowed to withdraw his or her application for admission.

Immigrant

A person, not a U.S. citizen, who enters the U.S. and plans to stay for an undecided amount of time.

Immigration Status

The legal or illegal manner in which an immigrant came to the United States.



Lawfully Present

An immigrant who has lawful permanent residence status.

Lawful Permanent Resident:

A person, not a U.S. citizen, who has the right to live and work in the U.S. forever. The person is a permanent resident alien.

Mixed Family

A family where some members have citizenship or eligible immigration status, and the rest of the family does not.

Not-qualified Immigrants (term typically used when dealing with who is eligible for public benefits)

Immigrants who are not “qualified” (see page 4). The group includes:

- Applicants for protection
- Applicants for family unity
- Applicants for change of status
- Undocumented immigrants
- Non-immigrants like students and foreign visitors.

Out of Status

If a foreign citizen breaks the terms of his or her entry, that person is “out of status.”

Parolee

A parolee is an immigrant, appearing to be inadmissible but is allowed into the United States for the reason of an important public benefit. Parole does not allow formal entry to the United States. It only gives the immigrant a temporary status.

Refugee

This person is the same as an Asylee, except that the person applies for the protection while in a foreign country.

Removal

Making an immigrant leave the United States. The immigrant may have to leave due to grounds of inadmissibility or deportability.

Victim of Severe Trafficking

A person who has been forced or tricked into slavery, work, or prostitution.

Voluntary Departure

The leaving of an immigrant from the United States without an order of removal. An immigrant allowed to voluntarily leave can seek ask for entry back into the U.S.

Qualified Immigrant (term typically used to describe who is eligible for public benefits)

A person who falls into one of the following groups:

- A Legal Permanent Resident (LPR)
- A refugee
- An asylee
- An immigrant given relief from removal
- An immigrant given parole for at least one year
- An immigrant given conditional entry
- A battered immigrant and her child/children
- Immigrants born in Canada who have at least 50 percent of the blood of an American Indian race or belong to certain Indian tribes



Undocumented Immigrant/ Alien

A person who is here illegally.

II. PUBLIC BENEFITS ELIGIBILITY

Medicaid

What is Medicaid? What is Partners for Healthy Children?

Medicaid is a program that pays for health care. Medicaid pays doctors' bills and other health care costs. The Medicaid program for adults is Partners for Health. The program for children is Partners for Healthy Children. You can apply for Medicaid at your local Department of Social Services (DSS) or Department of Health and Human Services (DHHS) office.



Can I get Medicaid / Partners for Healthy Children if I am not a citizen?

You must first be eligible due to a low income and other categories. Then the date you came to the U.S. becomes important for figuring out if you can get Medicaid.

If you came to the U.S. **before August 22, 1996**, you can get Medicaid if you are a:



- Green Card Holder;
 - Certain abused immigrant, or the children, and/or parents of a certain abused immigrant;
 - Refugee, Asylee, Conditional Entrant, or a person given relief from removal;
- Person given parole by the United States Citizenship and Immigration Services (USCIS) for 1 year;
- Cuban, Haitian, or Amerasian.

If you came to the U.S. **on or after August 22, 1996**, you can get Medicaid if you are a:

- Green Card Holder with 40 quarters of work;
- Green Card Holder who has lived in the United States for 5 years;
- Veteran or in the military;
- Or the spouse/children of a veteran or a person in the military;
- Refugee, Asylee, Conditional Entrant, or been given relief from removal;

- Person given parole by the United States Citizenship and Immigration Services (USCIS) for 1 year;
- Cuban, Haitian, or Amerasian.

What does 40 quarters of work mean?

A quarter is 3 continuous months of working out of the calendar year. There are 4 quarters in a year. Therefore, 40 quarters of work is about 10 years of working in the United States. You can add together your work with your spouse's work. Children can count their parent's work to add up the 40 quarters.



Is there a limit on how many years I can get Medicaid?

There may be. The following immigrants can only get Medicaid during their first 7 years in the United States:

- Refugees, Asylees, Conditional Entrants, and persons given relief from removal;
- Persons given parole by USCIS for 1 year;
- Cubans, Haitians, and Amerasians.

After the 7 years is over, unless your immigration status changes, you can no longer get Medicaid.

Are children born to immigrants eligible?

Yes, if they are born in the U.S. or one of its territories, and meet income and other eligibility rules, they are eligible as citizens. If born outside the U.S. or one of its territories, the above rules apply.

How do I apply for Medicaid?

You apply at your local Department of Health and Human Services (DHHS) office. If you are applying for Medicaid as a Supplemental Security Income (SSI) recipient, you apply at the local Social Security office. Usually, if you are able to get SSI, you will also receive Medicaid. Sometimes DHHS has Medicaid applications at hospitals or health departments. **You can also apply for Emergency Medicaid.** See page 16 for more information.

Temporary Assistance for Needy Families

What is TANF?

TANF stands for Temporary Assistance for Needy Families. TANF gives monthly cash assistance to certain families with children. It also gives job training and job placement services. TANF will also help you with childcare and transportation. You can apply for TANF at your local Department of Social Services office. To get TANF benefits, you must have a low income and fit into certain categories. The TANF program in South Carolina is called Family Independence.



Can I get TANF benefits?

The date you came to the United States is important in figuring out if you can get TANF benefits.

If you are an immigrant that came to the U.S. **before August 22, 1996**, you can get TANF if you are a:

- ❖ Green Card Holder;
- ❖ Certain abused immigrant, their child, and/or their parent;
- ❖ Refugee, Asylee, Conditional Entrant, or person given relief from removal;
- ❖ Person given parole by United States Citizenship and Immigration Services (USCIS) for 1 year;
- ❖ Cuban or Haitian.

If you are an immigrant that came to the U.S. **on or after August 22, 1996**, you can get TANF if you are a:



- ❖ Green Card Holder with 40 quarters of work;
- ❖ Veteran/ person in the military or the spouses/children of a veteran or person in the military;
- ❖ Victim of severe trafficking;
- ❖ Refugee, Asylee, or person given relief from removal;
- ❖ Cuban, Haitian, or Amerasian.

Is there a limit on how long I can get TANF?

Generally, you can only get TANF/Family Independence benefits for a total of 24 months. The following people, who entered the U.S. **on or after August 22, 1996**, can only get TANF benefits during their first 5 years in the United States:

- Refugees, Asylees, and persons given relief from removal;
- Cubans, Haitians, and Amerasians

All other immigrants who entered the country after this date are not eligible for benefits.

After the 5 years is over, these individuals cannot get TANF benefits anymore.

Food Stamps

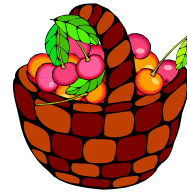
What are Food Stamps?

The Food Stamp Program helps low-income families buy food. When you are on Food Stamps, you get a green plastic card that is used to buy food at certain stores. This is an Electronic Benefit Transfer (EBT) card. You can apply for Food Stamps at your local DSS office. To get Food Stamps, you must have a low income and fit into certain categories. The amount you get is figured on your income and the number of eligible people in your household.

Can I get Food Stamps?

Most immigrants can get Food Stamps if they are:

- Green Card Holders with 40 quarters of work;
- Veterans, people in the military, and their spouses/children;
- Refugees and Asylees, and persons who have been given relief from removal;
- Cubans, Haitians, and Amerasians;
- Hmong or Laotian tribe members who are in the U.S. legally and their spouses/children;
- Certain American Indians who were not born in the United States.



Some immigrants have to meet the following to be eligible for Food Stamps:

- Lived in the U.S. for 5 years; OR
- Received benefits because they have a disability; OR
- Are a child under 18; OR

- Were born before August 22, 1931, and were in the U.S. legally on August 22, 1996

The immigrants who must meet those rules are:

- Green Card Holders
- Conditional Entrants
- Persons who have been paroled into the U.S. for 1 year
- Certain abused immigrants, or one of their children, and/or one of their parents

Supplemental Security Income

What is SSI?

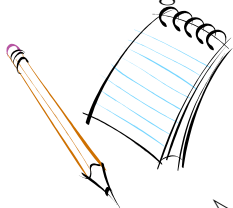
SSI (Supplemental Security Income) is a program that helps aged, blind, and disabled persons. It provides money and pays for health care through Medicaid. You may be able to get SSI if you are; 1) Age 65 or older; 2) Blind; or 3) Disabled.



What qualifies as disabled?

Disabled means (if you are over 18) that you cannot do regular full-time work that is suitable for someone with your age, education and work ability. You must not be able to work for at least a year for a medical (mental or physical) reason. Children can also get SSI if their disability meets certain rules.

Can I get SSI?



In order to qualify you must meet three different rules. **First**, you must be **one** of these:

- Over age 65
- Blind
- Disabled

In addition, you must meet **one** of these requirements:

- A Green Card Holder/Lawful Permanent Resident (LPR);
- A Refugee, Asylee, Conditional Entrant, or person given relief from removal;
- A person given parole by the USCIS for 1 year;
- A Cuban, Haitian, or Amerasian;
- A certain abused immigrant, or one of their children, and/one of their parents.

And finally one of these requirements:

- You have a Green Card and were receiving SSI **on August 22, 1996**.
- You had a Green Card **on August 22, 1996** and you were blind or disabled.
- You are a Green Card Holder with 40 quarters of work. (Quarters of work earned after December 31, 1996 cannot be counted if you, your spouse or parent, who worked, received SSI, Medicaid, Food Stamps, or TANF due to limited income.)
- You are a veteran, person in the military, or their spouse/child.

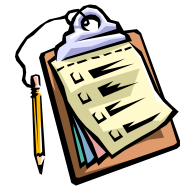
Exceptions

Certain groups of noncitizens in the U.S. can get SSI and are not subject to the rules above. They are:

- ❖ American Indians who were born in Canada and have at least 50 percent American Indian blood or
- ❖ Noncitizen members of a federally recognized Indian tribe or
- ❖ Victims of trafficking

How much can I get?

The basic monthly payment is the same everywhere. In 2005, it is \$564 for one person and \$846 for a couple, but not everyone gets that amount. You may get less money if you, your family or other household members have other income.



Is there a limit on how long I can get SSI?

You may receive SSI for up to 7 years from the date the Department of Homeland Security granted you a status **if you qualify as one of the following:**

- Refugee
- Asylee
- Person given relief from removal
- Cuban or Haitian entrant
- Amerasian immigrant.

If you qualify to receive SSI under multiple categories, you may be eligible for SSI for longer than the 7-year period.

Can I get SSI and Medicaid?

Yes, if you qualify.

If my SSI payments stop, can I file a new claim?



If your SSI payments stop because you are no longer eligible under one nonresident category, you can apply again under another category. Contact the Social Security office right away if you become a U.S. citizen, your immigration status changes and you think you qualify, or you have 40 quarters of work. You will need to bring your naturalization certificate or other documents to show your immigration status.

Important Note: If you entered the U.S. on or after August 22, 1996, then you may not be eligible for SSI for the first 5 years as a lawful resident even if you have 40 quarters of work.

General Questions about Public Benefits

Can I get public benefits if I am undocumented?

If you are undocumented, you cannot get regular Medicaid, TANF, Food Stamps, or SSI. For information about what services you can get, go to the section about resources for undocumented immigrants.



I am undocumented. Can I still apply for someone else who can get benefits?

Yes, being undocumented does not stop you from applying for benefits for other people in your family. For example, if you are undocumented, and your children are U.S. citizens, you can still apply for Medicaid, TANF, Food Stamps, or SSI for your children. Your immigration status will not stop your children from getting public benefits.

What kind of information do I have to give when I apply for public benefits?

- ❖ If you are applying for benefits for yourself, you have to provide your social security number and immigration status on the Medicaid, TANF, Food Stamps, and SSI applications.



- ❖ If you are filling out Medicaid, TANF, Food Stamps, or SSI applications for someone else, you must tell that person's social security number and immigration status. You do not have to tell your social security number or immigration status.

Can I be denied public benefits if someone in my household will not tell their immigration status or social security number?

No. If someone in your household will not tell their immigration status or social security number, that person will be called a “non-applicant.” Non-applicants cannot get public benefits, but that does not stop you or anyone else in your household who is eligible from getting benefits.

What if I do not understand, write, or speak English? How will I fill out the paperwork?

You have the right to a free interpreter and to have all the forms translated into your language. **All agencies that receive funds from the Federal government must make translated forms available to you.**

What should I do if someone will not give me an interpreter or translated forms?



Call the Office of Civil Rights (OCR) at 1-888-TITLE-06 (1-888-848-5306) and make a complaint.

For more information about getting interpreters and translated forms go to the Language Access Section.

III. OVERCOMING BARRIERS TO PUBLIC BENEFITS

Public Charge

What is a public charge?

Someone who does not have enough money to support themselves and needs public benefits to live. If the government decides that you are a public charge, you may be stopped from getting a Green Card or entering the United States.

Will I be a public charge if I get public benefits?

You might be a public charge if you get TANF or SSI. You might also be a public charge if you get Medicaid to pay for a nursing home or long-term care facility.

You will **not** be a public charge if you get help from the following:

- ❖ Medicaid for regular health care
- ❖ Food Stamps
- ❖ Housing assistance
- ❖ School breakfast and lunch
- ❖ Job training
- ❖ Childcare
- ❖ Homeless shelters
- ❖ Transitional housing
- ❖ Soup kitchens
- ❖ Health clinics



How does the government decide if I am a public charge?

When you apply for a Green Card, the government tries to figure out if you will be a public charge in the future. They look at lots of things to decide:

- If you got TANF or SSI in the past;
- Your age;
- Your health;
- The number of people in your family;
- Your education and job skills;
- If you have a sponsor who signed an affidavit of support

For example, if you are very old and have many health problems or if you have a big family to support, the government may decide that you will be a public charge. If you are young, healthy, and went to college, the government will probably decide that you are not a public charge.

You do not have to worry about being a public charge if you are:

- A Refugee or Asylee;
- A person given relief from removal;
- An Amerasian;
- An immigrant applying to be a citizen

If my children or other household members get benefits will that make me a public charge?

No. It will not make you a public charge unless those benefits are your family's **only** source of income.

Will the state agency report me to the immigration officials if I apply for public benefits?

The Department of Social Services (DSS) and Department of Health & Human Services (DHHS) do not have a duty to report undocumented immigrants who apply for Medicaid.

If you apply for TANF or Food Stamps, DSS is only required to report you if they know that you are here illegally. For more information on this, go to the section on reporting requirements.

Sponsors

What is a sponsor?

A person who agrees to support an immigrant financially, when he or she is applying to come to the U.S. as a resident.

Do I have to get a sponsor?

You only have to get a sponsor if you apply for a Green Card through:

- A family member, or
- An employer if the employer is a family member or if someone in your family owns part of the business.

What is an affidavit of support?

An Affidavit of Support (AOS) is a form signed by your sponsor. Your sponsor helps you get a Green Card by promising to support you and repay any public benefits that you receive. By signing the AOS, your sponsor is saying that he or she will support you.



Can I get public benefits if I have a sponsor?



If you have a sponsor, your income may be too high for you to get public benefits. Your sponsor's income and benefits will count as your own income when the government decides if you can get public benefits. This is called "sponsor deeming." Your sponsor's income will not be counted if you are a domestic violence survivor or if you would go hungry or be homeless without the help of public benefits.

How long do I have to have a sponsor?

You have to have a sponsor until you become a U.S. citizen or have 40 quarters of work.

IV. RESOURCES FOR UNDOCUMENTED IMMIGRANTS

I am undocumented. Can I get the same services as documented immigrants?

No. You cannot get many of the services that documented immigrants can get. For example, you cannot get Medicaid, TANF, or Food Stamps. However, there are services that you can get.

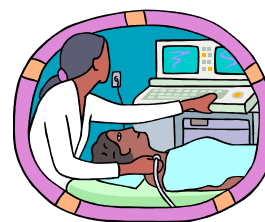
What kind of health care resources can I get?

Many times clinics and church-based groups will give you medical care. For a listing of these resources, see the Immigrant Resource Guide that is on the South Carolina Appleseed Legal Justice Center's website, www.scjustice.org.

You can get help if you think you have HIV/AIDS, sexually transmitted disease(s), or tuberculosis. In addition, you can also get help from shelters and mental health and drug/alcohol services.

Can I go to the emergency room for care and treatment?

Yes. Emergency rooms cannot refuse to treat you when you have an emergency. Emergency room doctors check all patients to see if they have an emergency. They do this even if you cannot pay. In addition, the doctors cannot make you go to another hospital until you are stable or unless the other hospital will be able to give you better care.



Can I get some sort of help to pay for my emergency room treatment?

Sometimes. You may be able to get **Emergency Medicaid**. Emergency Medicaid is for very serious emergencies that put your health in danger. For example, Emergency Medicaid covers labor and delivery for a pregnant woman, but probably not a black eye. The Department of Health & Human Services (DHHS) decides if an emergency is serious enough to be covered by Emergency Medicaid.

To get Emergency Medicaid, you must have a low income and fit into certain categories. You must also prove that you live in South Carolina. You can do this by showing you pay rent at an address in South Carolina.

What are some other services that I can get?

You can get the following services:

- Public health programs that give immunizations;
- Women Infants Children (WIC) food benefits; WIC provides pregnant women and children up to age five with supplemental foods.
- School breakfast & lunch programs;
- Homeless shelters, emergency shelter/food/clothing, soup kitchens, meals on wheels;
- Child & Adult Protective Services from DSS;
- Police, fire, ambulance, public transportation (like buses), and sanitation services.



V. IMMIGRANTS AND EDUCATION

Can undocumented children go to public school?

Yes. Just like other kids, undocumented students have to go to school until they are 17.



Can public schools turn children away because they are undocumented?

No. Schools cannot do anything to stop parents from enrolling their undocumented children into school.

Can public schools make immigrant parents or children tell the school about their immigration status?

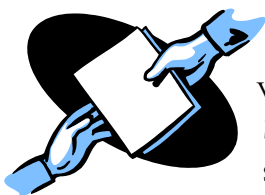
No. The school cannot ask questions about immigration status or social security numbers.

If the school knows a child is undocumented, can they tell other agencies about this?

Only if the parent gives permission, or if the school is served with a valid court document called a subpoena.

Teachers and principals are not required to report undocumented kids or their parents.

What documents must be given to enroll a child in school in S.C.?



An immunization form and a birth certificate or a document that proves the child's age. Some schools also want written proof that the child is a S.C. resident. Being a S.C. resident just means living in S.C. with the intention to stay at least for awhile.

What do S.C. schools do for children who do not speak or understand English very well?

Students who do not speak, read, or understand English well are called LEP, or Limited English Proficient. The school will ask students if they speak a language besides English at home. If they do, then the students are given a test to figure out what program is best for them. This is based on how well they speak English. At first, LEP students will be placed into a class with children that are the same age, even if the language used in the class cannot be understood by the child. Classroom teachers are told to adjust teaching and

assignments to meet the needs of LEP students. The school then must follow-up often to make sure that LEP children are learning and doing well in their program.

What kind of school program will LEP children be put into?



There is no one program that schools have to use for LEP children. Schools do not have to teach children in the language they speak the best. The schools must have programs that teach LEP children and give them the skills they need. These programs are called bilingual/bicultural education, English as a Second Language (ESL), and structured immersion. The schools make sure that teachers are trained, and the materials (like books) are at

the LEP child's level.

What about special education or gifted/talented programs?

Schools are not allowed to assign LEP children to special education programs just because they have difficulty reading, speaking, or understanding English. Schools also cannot turn away LEP children from gifted/talented programs just because they are LEP.

What if parents have difficulty reading, speaking, or understanding English?

Schools must send LEP parents letters and other school information in a language the parents understand.

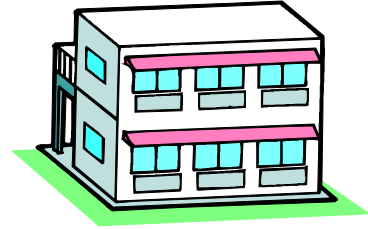
Can undocumented students get federal financial aid and in-state tuition for college?

No. There is no right to get federal financial aid or in-state tuition for college.

VI. IMMIGRANTS AND HOUSING

What are public housing and Section 8 housing programs?

Public housing provides rental housing to low-income families, elderly people and people with disabilities. Your local housing authority owns the housing, and the rent charged is based on how much money you make.



Your local housing authority may also run a Section 8 voucher program. This program also helps low-income families, elderly people, and people with disabilities. With a Section 8 voucher, you can choose your own housing, as long as it meets the program rules. The government will help you pay your rent.

The United States Department of Housing and Urban Development (HUD) provides the funding and guidelines for these programs.

You can apply for housing assistance at your local housing authority office if the waiting list is open. Once you apply, you are likely to be on a waiting list. There is more need for housing than units available.



Which immigrants can get public housing and Section 8 vouchers?

Only the following immigrants can get publicly funded housing assistance:

- Immigrants who have a Green Card;
- Refugees, Asylees, immigrants given relief from removal, and conditional entrants;
- Immigrants given parole by the USCIS for at least one year;
- Immigrants lawfully admitted;
- Victims of trafficking ;
- Citizens of Micronesia, the Marshall Islands, and Palau.

Undocumented immigrants are not eligible for housing assistance.

What if some people in my household can get housing assistance, but other people cannot?

If there are people in your household that can get housing assistance and people that cannot, you live in a mixed family. A mixed family can get housing help, and the whole family can live in the home. However, the amount of help you get will be based only on the eligible people in the household. This means that if there are ineligible people living in your household, your share of the rent will be higher. It will also mean that your family will receive less financial assistance.



You have to tell the Housing Authority about all the people who live in the house, even if they are undocumented. This means that all the people who live in the house must be named on the lease. The Housing Authority or your landlord can evict you if you do not tell the truth about this.

What if a mixed family was living in housing on or before June 19, 1995?

In 1995, new rules came out about immigrants and housing. However, mixed families who were living in housing on or before June 19, 1995, are not affected by the new rules. Mixed families that were living in subsidized housing on or before June 19, 1995, will get help for all members of the household, instead of just the eligible ones, if:

1. The head of the household or his/her spouse can get HUD housing and
2. The only people living in the household who can not get HUD housing are the spouse, parents, or children of the person eligible for HUD housing.

Will getting housing assistance make me a public charge?

No. To learn more about being a public charge, go to the section about Public Benefits.

Can I go to a homeless shelter if I have nowhere else to go?

Yes. Certain things are for everyone. All immigrants can use homeless shelters, school breakfast & lunch programs, emergency shelter/food/clothing, soup kitchens, and meals on wheels.

The Fair Housing Act



What is the Fair Housing Act and how does it apply to me?

It is a law that prevents people from being treated differently or unfairly in the sale, rental, or financing of housing. People cannot be treated differently or unfairly due to race, color, national origin, religion, sex, familial status or handicap.

It protects all persons; you do not have to be a citizen. However, if you are undocumented, you could run a risk in taking legal action. The property owner may report you to the authorities.

What are some examples of being treated differently or unfairly?

- Not renting or selling to you, or talking with you about housing because of your race, color, national origin or because there are kids in the family
 - Stating there is no place to rent when there is
 - Setting different terms for the sale or rental of housing – for example, you are charged higher rent, or extra fees
 - Any effort to stop you from renting or buying in an area that is racially or ethnically different from you
 - Using biased words in ads about housing for sale or rent
- Setting different terms for the sale or rental of land for a mobile home



What types of housing are covered under the Fair Housing Act?

The Act covers **all** types of housing except for:

- Owner – occupied buildings with no more than four units
- Single family housing sold or rented without the use of a broker
- Housing managed by groups and private clubs that limit use to members

Who do I contact if I think that I have been treated differently or unfairly?

South Carolina Human Affairs Commission

1-800-521-0725 or (803) 737-7800 or (803) 737-5705 (Spanish)

or

HUD

Southeast/Caribbean Office: 1-800-440-8091;

Washington, DC: 1-800-669-9777

VII. DOMESTIC VIOLENCE & STALKING

Domestic Violence

What is domestic violence?

It is when your partner or spouse uses his or her actions to control you. It can include physical violence, pressure, threats, bullying, isolation, and emotional, sexual, or economic abuse.



Why is domestic violence different for immigrants?

Because:

- Many times the abuser will threaten to call immigration services.
- The abuser will refuse to file immigration paperwork.
- The abuser may make the immigrant work illegally.
- The abuser may keep the person from learning English.

Stalking

What is stalking?

Unwanted pursuit, being followed, or being harassed are some basic forms of stalking. It can also include pressuring someone to get control. This can be done in person, by mail, by computer, or phone calls.

What are some examples of stalking?

- Observing your actions
- Listening to your phone calls
- Reading your e-mails or sending you many unwanted e-mails
- Following you
- Threatening you
- Always showing up near you
- Breaking up your new relationships
- Making many calls to you
- Making threatening phone calls to you
- Leaving you notes or flowers on your car



Why is it different for immigrants?

If you do not speak English, it is harder to get help. Also, in some countries stalking is not criminal or unusual.

If I am an immigrant, should I still call the police?

Yes. There are laws to help immigrants, even if you are undocumented.

The Violence Against Women Act (VAWA) can help immigrants who are or were spouses of U.S. Citizens or Lawful Permanent Residents. VAWA can also protect your kids, even if they are not related to a U.S. Citizen or Lawful Permanent Resident.



There are also U-Visas that help immigrants. To get a U-Visa you must:

- ❖ Have suffered a lot of abuse, and
- ❖ Be helpful to the police - this could mean testifying in court

Another thing that might protect you is the T-Visa. The T-Visa gives immigrants brought to the U.S. for illegal reasons temporary legal status. You must be willing to help the police. This could mean testifying in court.

Anyone wanting help under the Violence Against Women Act, U - or T - Visa should see an immigration attorney or your local domestic violence shelter.

Where can I go? Who can I call for help?

You can always call 911 if you are in immediate danger.

South Carolina Coalition Against Domestic Violence & Sexual Assault
(SCCADVASA)

1-800-260-9293

National Domestic Violence Hotline

1-800-799-SAFE

1-800-787-3224

Any local domestic violence shelter should help. For a listing of shelters in South Carolina, see the Immigrant Resource Guide on our website,

www.scjustice.org.

VIII. REPORTING REQUIREMENTS

Which government agency deals with immigrant services and benefits like Green Cards?

The Department of Homeland Security has a division called the United States Citizenship and Immigration Services (USCIS) that handles things like Green Cards. The Immigration and Customs Enforcement (ICE) handles things like removal and deportation.

Why do reporting requirements matter?

They matter because if an immigrant is undocumented then he or she may avoid getting services or benefits due to fear of being reported.



Do individual citizens have to report undocumented immigrants?

No. They do not have to report people even if they know they are undocumented.

Do hospitals have to report undocumented immigrants?

No. Hospital staff should only ask questions about immigration status to find out if an immigrant can get services. They should not ask questions to get information to report to the USCIS. Keep in mind, though, that hospitals are not forbidden from reporting undocumented immigrants.

Will schools report undocumented students or their parents?

No. Schools cannot give information to the USCIS, unless they have the parent's permission, or if given a valid court document called a subpoena. Teachers and principals have no duty to report undocumented students or parents.

Do the police have to report undocumented immigrants?



No. However, if the USCIS asks the police if someone is undocumented, the police have to tell the truth.

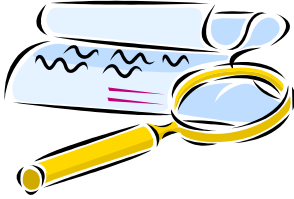
Will state and federal agencies report undocumented immigrants?

It depends. The agencies have to report immigrants if they “know” they are here illegally. They have to report undocumented immigrants who are trying to get Supplemental Security Income (SSI) benefits, Temporary Assistance for Needy Families (TANF) benefits, or public housing benefits.

REMEMBER: The agencies only have to report undocumented immigrants if they “know” they are here illegally. An agency only really “knows” an immigrant is here illegally if two things happen:

1. The immigrant gives the agency papers that state they are here illegally;

AND



2. The agency makes an official decision that the immigrant is here illegally.

The following agencies are the only ones that must report undocumented immigrants if they “know” they are here illegally:

- ❖ Department of Social Services (DSS)
- ❖ Social Security Administration (SSA)
- ❖ Department of Health & Human Services (DHHS)
- ❖ Department of Labor (DOL)
- ❖ Department of Housing and Urban Development (HUD).

What if an immigrant tells a state/federal agency worker that he/she is undocumented?

Just telling a worker that you are undocumented is not enough to get you reported. You must be found by that agency to be here illegally.

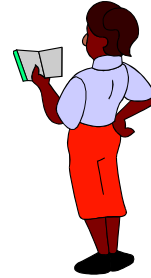
What is a non-applicant? Do agency workers have a duty to report non-applicants?

A non-applicant is a person who applies for public benefits for someone else. Agency workers have no duty to report non-applicants. An example would be if an undocumented mother applies for TANF benefits for her U.S. citizen child. The agency has no duty to report her.

IX. LANGUAGE ACCESS

What does LEP mean?

LEP stands for Limited English Proficient. LEP persons have trouble reading, speaking, writing, or understanding English. They have special rights under Title VI of the Civil Rights Act.



If I am LEP, do I have the right to an interpreter?

Yes. Title VI gives LEP persons the right, under certain circumstances, to an interpreter who has the special skills to be an interpreter. **You have the right to an interpreter when working with an agency that gets money from the federal government.** You cannot be turned away from programs and services just because you are LEP.

Do I have the right to have applications and forms translated?



Yes. Title VI gives LEP persons the right to have all important forms translated into their language, as long as you are dealing with an agency that receives money from the federal government.

What types of programs and agencies have to provide language services?

Any agency that gets money from the federal government has to provide language services for LEP persons. These are agencies like:

- Police departments
- Hospitals
- Nursing homes
- Mental health centers
- Legal Services
- Schools
- Domestic violence centers
- State agencies

Do I have to pay for language services?

No. Language services are free for LEP persons.

Can a family member or friend be my interpreter?

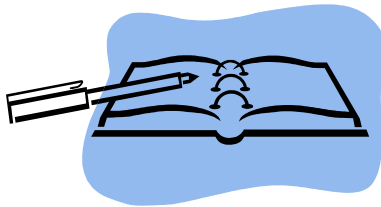
Yes. You should be very careful, though. Family members or friends may not have the special skills they need to be a good interpreter. For example:

- They may not know all the special words used in medicine or law;
- You may not want them to know about your health or legal problems;
- They might be shy about telling you things;
- They might be afraid to tell you exactly what is being said.

If you want a family member or friend as your interpreter, the agency should still offer a free interpreter. The agency should also make sure the family member or friend has the special skills needed to be a good interpreter.

What should I do if someone will not give me an interpreter or translated forms?

Try to tell them what your rights are under Title VI. If a caseworker or employee will not listen, ask to talk to his/her boss. If the agency still does not listen, call the Office of Civil Rights (OCR) at 1-888-TITLE-06 (1-888-848-



5306) and make a complaint. OCR is the agency that handles complaints about Title VI discrimination. Discrimination is when you are treated differently or badly because of the color of your skin or where you are from.

X. DRIVERS' LICENSES



Why does a driver's license matter?

A driver's license is important because it allows you to drive to work, take your children to school, go to the grocery store or go to the doctor. You may even have a job where driving is part of your work, like construction.

Can an immigrant get a driver's license in South Carolina?

Undocumented immigrants cannot get a driver's license in South Carolina.

To get a driver's license in S.C., your paperwork must say you are allowed to live, work, or go to school in the U.S. If you get a license here, it will not be any good once your paperwork says you have to go back to your home country.

The S.C. Department of Motor Vehicles (DMV) is the agency that helps with drivers' licenses.

What kind of paperwork does an immigrant have to show to get a license?

To apply for a license, you have to bring five kinds of documents to the DMV office:

1. A passport with a visa or other paperwork from the USCIS
2. One of the following documents:
 - I-20 (Certificate of Eligibility for Non-Immigrant Student Status) with other documents;
 - IAP-66 (Certificate of Eligibility for Exchange Visitor Status) with other documents;
 - Written proof that you are in school (for example – written verification on the school's letterhead showing enrollment or good standing and a letter from the appropriate school authority);
 - Written proof that you are working;

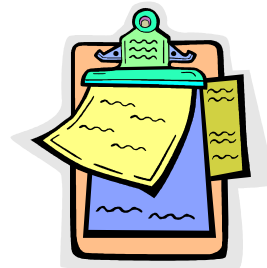


Note:
The DMV will only take original paperwork (copies are not allowed).

- I-688b forms (employment authorization document) and I-766 forms (employment authorization card);
 - Passport showing your work or student visa has been extended by the USCIS;
 - I-551 that says “Resident Alien Card” or “Permanent Resident Card” on it;
 - I-94 that says “Refugee” or “Refugee/Asylee;”
3. A social security card with your social security number
 - If you do not have a social security number, you have to get a letter from the Social Security Administration (SSA) telling why you do not have a social security number;
 4. Proof that you live in S.C.
 - You can prove you live here with things like utility bills, lease agreements, or school/work records;
 5. Proof that you have car insurance

Where can immigrants apply to get a driver’s license?

If you are a not a U.S. citizen, there are only 16 offices across S.C. where you can apply for a driver’s license; Bluffton, Charleston (Leeds Ave.), Columbia (Shop Road), Conway, Greenville (Saluda Dam), Greenwood, Irmo, Lancaster, Laurens, Myrtle Beach (21st Ave.), North Augusta, North Florence, Orangeburg, Rock Hill (Hand Mill Road), Seneca, Spartanburg (Southport). These 16 offices have employees who should know about the rules for immigrants and the kinds of documents you need to get a license. To find out where there is an office near you, call this toll-free number: 1 800-442-1DMV.



What happens after an immigrant applies for a driver’s license?

You will get a short-term license for 60 days while the DMV checks on all the paperwork you gave them. If all of your paperwork is true and checks out, then you will get a real license at that point.

Will the DMV report me if they find out I am undocumented?

The DMV will report anyone who gives them fake immigration documents. Do not give the DMV a social security number or immigration paperwork that is not true. **The DMV reports all fraud.**

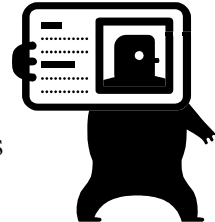
If I cannot get a driver's license, can I get another identification card?

Yes. Note that the cards listed below are for identity only. They do not allow you to get a social security card or a driver's license. They do not make you a citizen.

Matricula Consulars

These are official ID cards used by the Mexican government and the Mexican consulates. Thirteen states recognize and accept these cards to establish identity. Many banks will let you use the card to open up an account. Some places will let you get a library card with it, file a police report and apply for health care. A matricula consular can also be used to enroll your kids in school.

To get a matricula consular you must provide an original Mexican birth certificate, photo id, such as a Mexican voter card or driver's license and proof of your address in the U.S. The cards cost about \$29.00.



So far, Mexico is the only government that issues these cards. Other countries are making their own version of the card, though.

Immigrant Community Access Point Card (ICAP ID)

These cards were started by the Immigrant Community Access Point (ICAP) group, a non-profit organization. ICAP started the cards in hopes of helping out the immigrant community, by providing them with some sort of identification.

Certain places in South Carolina issue these IDs. Agencies like the Department of Social Services, Department of Health & Human Services, and the police in some parts of South Carolina will let you use this ID to show who you are. These cards are not as widely accepted as matricula consulars.

You can get an ICAP ID card if you have a birth certificate, passport, or marriage license that has your name on it. The ICAP ID cards cost \$35.00. To find out where to get an ICAP ID card, call ICAP at (803) 261-3010 or go to www.icapsc.com.

XI. CHARTS

DUTY TO REPORT

<i>Who</i>	<i>Yes, but only if they "know"</i>	<i>No</i>
Citizens		X
DHHS	X	
DMV		X*
DOL	X	
DSS	X	
Hospitals		X
HUD	X	
Police		X*
Schools		X*
SSA	X	

(X* - some exceptions and conditions apply. See manual pages dealing with those sections.)

PUBLIC BENEFITS ELIGIBILITY

<i>Immigrant(s)</i>	<i>Food Stamps</i>	<i>Housing</i>	<i>Medicaid (before 8/22/96)</i>	<i>Medicaid (on/after 8/22/96)</i>	<i>SSI</i>	<i>TANF (before 8/22/96)</i>	<i>TANF (on/after 8/22/96)</i>
Amerasians	X		X	X	X*		X
American Indians (not born in U.S.)	X						
American Indians born in Canada with 50% of American Indian blood					X		
Asylees	X	X	X	X	X*	X	X
Certain abused immigrants/parents/children	X*		X		X*	X	
Citizens of Micronesia, Marshall Islands and Palau		X					
Conditional entrants	X*	X	X	X	X*	X	X
Cubans	X		X	X	X*	X	X
Granted relief from removal	X	X	X	X	X*	X	X
Green Card Holder	X*	X	X	X*	X*	X	X*
Haitians	X		X	X	X*	X	X
Hmong/Laotian tribe members/their spouses and kids (all must be here legally)	X						
Non citizen members of federally recognized Indian tribes					X		
Paroled for at least one year by the USCIS	X*	X	X	X	X*	X	
Refugee	X	X	X	X	X*	X	X
Undocumented immigrant							
U.S. Citizen	X	X	X	X	X	X	X
Veteran/persons in the military and their spouses and children	X			X			X
Victim of trafficking		X			X		X

(X* - some exceptions and conditions apply. See manual pages dealing with those sections.)

FOOD STAMPS

Immigrant(s)	Regular Conditions	Additional Conditions
Amerasians	X	
American Indians (not born in the U.S.)	X	
Asylees	X	
Certain abused immigrants/parents/children		X
Conditional Entrants		X
Cubans	X	
Granted relief from removal	X	
Green Card Holders		X
Green Card Holders with 40 quarters of work	X	
Haitians	X	
Hmong/Laotian tribe members /their spouses and kids (all must be here legally)	X	
Paroled for at least one year by the USCIS		X
Refugee	X	
Veterans/persons in the military and their spouses and children	X	

(Immigrant categories not listed are not eligible for Food Stamps.)

MEDICAID

Immigrant(s)	Entered U.S. Before August 22, 1996	Entered U.S. On or After August 22, 1996
Amerasians	X	X
Asylees	X	X
Certain abused immigrants/children/parents	X	
Conditional Entrants	X	X
Cubans	X	X
Granted relief from removal	X	X
Green Card Holders	X	
Green Card Holders who have lived in the U.S. for five years		X
Green Card Holders with 40 quarters of work		X
Haitians	X	X
Paroled for at least one year by the USCIS	X	X
Refugees	X	X
Veterans, or persons in the military and their spouses and children		X

(Immigrant categories not listed are not eligible for Medicaid.)

SSI

Immigrant(s)	Regular Conditions	Additional Conditions
Amerasians		X
American Indians born in Canada with 50% of American Indian blood	X	
Asylees		X
Certain abused immigrants/parents of children		X
Conditional Entrants		X
Cubans		X
Granted relief from removal		X
Green Card Holder		X
Haitians		X
Non citizen members of federally recognized Indian tribes	X	
Paroled for at least one year by the USCIS		X
Refugee		X
Victim of Trafficking	X	

(Immigrant categories not listed are not eligible for SSI.)

TANF

Immigrant(s)	Entered U.S. Before August 22, 1996	Entered U.S. On or After August 22, 1996
Amerasians		X
Asylees	X	X
Certain abused immigrants and their children	X	
Conditional Entrants	X	
Cubans	X	X
Granted relief from removal	X	X
Green Card Holders	X	
Green Card Holders with 40 quarters of work		X
Haitians	X	X
Paroled for at least one year by the USCIS	X	
Refugees	X	X
Veterans, or persons in the military and their spouses and children		X
Victims of severe trafficking		X

(Immigrant categories not listed are not eligible for TANF.)