

KNOW YOUR RIGHTS

Many immigrants qualify for public benefits in New Mexico

Public Benefit programs help families facing financial hardship with basic needs, like food, healthcare, child care and housing by providing monthly benefits. Immigrants that meet income and other requirements can get benefits if they have an immigration status that qualifies for the program. The requirements are different for each program. See our handout on each program for a full list of statuses that qualify for each program.

If you do not qualify for a program, you can still apply and receive benefits for other family members that do qualify. For example, undocumented parents can apply for benefits for their U.S. Citizen children or for children with immigration statuses that qualify for benefits.

The state can only require immigration and social security information about family members who will be receiving benefits. For example, the state should not ask parents to provide their immigration status or social security numbers if they are only seeking benefits for their children. The state may need information about income for the entire household.

Social Security Numbers may not be required to get approved. Many immigrants do not receive an SSN when they adjust their immigration status, but they still can qualify for benefits. The state cannot delay or deny your benefits because you do not have an SSN. The state must help you obtain an SSN.

You have a right to prove household income in different ways. Many families may not have pay check stubs or a letter from an employer to prove household income. If you do not have documents that prove your income, you have the right to turn in your own written statement about your income. Remember to list your expenses if you earn cash for work you do on your own because this can increase your benefit amount. The state must offer to provide help in gathering documents to complete your application.

You have a right to get application help in the language you speak. If you speak a language other than English, the state must provide you with help over the phone or in person in the language you speak. This means providing an interpreter or having bilingual staff assist you. Written information must be in Spanish if that is what you speak.

Getting benefits usually will not trigger a “public charge test” for most immigrants. Public charge is a test used by the federal government to see if someone applying for a green card or a visa is likely to use certain government benefits programs, and can be used to deny someone admission to the United States or deny their application to become a lawful permanent resident. The test does not apply to most people that qualify for public benefits programs. There are many exceptions. Check with an immigration attorney if you have questions.

Public charge never applies to:

- ★ COVID-19 testing and treatment,
- ★ Medicaid for children, 21 years and younger, and pregnant women,
- ★ Refugees, asylees, survivors of trafficking, survivors of domestic violence and other serious crimes, special immigrant juvenile status and others, and
- ★ Use of emergency Medicaid, WIC, school lunches, food banks, shelters, state or local health care programs, and many more programs.

