

Immigration Status & Health Care

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Immigrant Legal Resource Center (ILRC)



Immigration Status

US Citizen

- Citizen of the US
- Naturalized: same rights as US born

LPR

- Lawful Permanent Resident aka Green Card
- Live permanently in US, work, travel

Non-Immigrant Visa

- Tourist, temporary work, study, business
- May include work authorization

Non-Immigrant Visa (cont'd)

- U-Visa, T-Visa
- Work authorization and pathway to LPR

To become an LPR, a family member has to petition for you, or an employer (+ some special pathways)

Immigration Status

Refugee/Asylee

- Well-founded fear of persecution
- Pathway to LPR status and USC

Deferred Action

- DACA, DAPA
- Work authorization

Undocumented

- Entered illegally or visa expired
- No pathway to legal status without leaving US

Other (some ex.)

- SIJS = special immigrant can get LPR status
- VAWA – self-petition for LPR status
- TPS – no pathway to LPR status

Deferred Action is not a visa.
No current path to citizenship.

Do I Belong Here?

Some options lead to permanent residence, others don't.

Only permanent residents can apply to become a U.S. citizen



California's Immigrant Population

- More than 10 million immigrants call California home: 1/4 of the foreign-born population nationwide.
- One out of four Californians is an immigrant – twice the national percentage; half of the children in California have at least one immigrant parent.
- Most immigrants in California are documented: naturalized citizens, LPRs, other legal status.
- Almost 2.5 million are LPRs eligible to naturalize.
- 1/4 of California's immigrants are undocumented (over 3 million). Half (approx. 1.5 million) would be eligible for DAPA and expanded DACA.
- Most immigrants in California are from Latin America ... but in the last 7-8 years, more than half of immigrants arriving in California are from Asia and only 1/3 from Latin America.

LGBTQ and Immigration

LGBTQ identity might be basis of asylum

- Persecuted on account of your identity in your home country

LGBTQ might be eligible for U visa

- Victim of crime here in the United States

LGBTQ Youth

- SIJS for those that have been neglected or abandoned by one parent
- DACA
- Asylum, U-Visa

LGBTQ Relationships

- Marriages recognized mean spouses may petition
- Might be victims of domestic violence at home by spouse (VAWA)
- Might qualify as a derivative of spouse on a different case

Marriage and Immigration in a Nutshell

Same-sex marriages are now
recognized
if the jurisdiction *in which the
marriage occurred*
recognizes same sex marriages.

What About Health Care?

If my children use health care, I will get deported.

I don't need help.

They will find other members of my family that do not have status

If I use public benefits, I won't qualify for naturalization

I don't qualify for services.

I have no status, so my family can't participate in health programs.

Using Health Care

If you qualify for coverage or care, it's OK to use it

It does not trigger “public charge”

You can use care without hurting your immigration status or the immigration case of family members



Deferred Action for Childhood Arrivals

In California, eligible for full-scope Medi-Cal

DAPA will also include full-scope Medi-Cal*

But many eligible for other relief...

Health Care Professionals Can Help

One Example: Working with a Clinical Therapist

Medical Expertise Plays an Important Role in Asylum

Therapy: can help the client work through some of the effects of trauma associated with being the victim of violence, homophobia, transphobia and other violations. This may help them to discuss some of the difficult yet crucial parts of their story.

Psychological Evaluations: Must have specific purpose

- Proving the mental/emotional harm a person suffered (persecution)
- Proving that the person suffered from a mental disability, such as PTSD or depression, AND that this diagnosis is linked to their failure to meet the one-year deadline to apply.



VAWA

**Immigration protection for victims of abuse –
medical professional can help document abuse**

- Abuse must be at the hands of a USC or LPR,
- Who is the spouse, parent or child

If qualify, can become a permanent resident



U-Visa – Victim of Crime

T-Visa – Victim of Trafficking

Special Immigrant Juvenile Status

U-Visa: Victim of criminal activity and helpful to law enforcement in investigation or prosecution

- Suffered “substantial physical or mental abuse” as a result of the victimization

In a nutshell: medical professional can identify and document and refer for immigration assistance.

Questions?

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