

# FREQUENTLY ASKED QUESTIONS CHILD CARE & IMMIGRATION

benefitsSF

## 1. I AM NOT A UNITED STATES CITIZEN. CAN I GET HELP PAYING FOR CHILD CARE (DAY CARE)?

**Maybe.** Many immigrant families are eligible for help with child care costs (also called subsidized child care or child care benefits). Various state programs in California provide child care benefits, and each one has somewhat different eligibility rules. The City of San Francisco also funds child care subsidy programs and Preschool for All, a program that provides free high quality part-day preschool for four year old children. These San Francisco and state programs and their rules are discussed in more detail below.

## 2. I AM NOT A UNITED STATES CITIZEN. CAN MY CHILD PARTICIPATE IN SAN FRANCISCO'S PRESCHOOL FOR ALL (PFA) PROGRAM?

PFA is a FREE part-day preschool program available to all families living in San Francisco. All San Francisco children who will be four years of age on or before December 2nd are eligible for PFA. There is NO income eligibility limit for families with a child in PFA. There is NO requirement to provide proof of immigration status of the child or other family members for PFA.

## 3. I AM NOT A UNITED STATES CITIZEN, BUT I GET CALWORKS CASH ASSISTANCE. CAN I GET HELP PAYING FOR CHILDCARE (DAY CARE)?

**Yes.** If you have received aid within the past 24 months for yourself (not only for your children), or you have received cash aid in the past, and you are working or participating in welfare-to-work activities, you are automatically eligible to receive help paying for child care. This is true no matter what immigration status your children have since your immigration status has not been a barrier to your getting cash aid for yourself. The right to CalWORKs child care is based on the parent's receipt of cash aid for herself, and her participation in work or in welfare-to-work activities. Families that are not receiving CalWORKs cash aid but would be eligible if they applied may get a form of cash assistance called CalWORKs diversion. Families that get CalWORKs diversion may also receive CalWORKs child care.

## 4. I AM NOT A UNITED STATES CITIZEN. MY INCOME IS LOW, BUT I DO NOT GET CALWORKS CASH ASSISTANCE. CAN I GET HELP WITH PAYING FOR CHILD CARE (DAY CARE)?

**Maybe.** If you are a low-income parent and you are:

- **working or in training leading to work**
- **looking for work or permanent housing**
- **incapacitated (have a disability or a medical condition that limits your ability to care for your children)**
- **have an infant or toddler**
- **live in a homeless shelter or domestic violence shelter**

You may qualify for help paying for child care. For these programs (sometimes called general child care, Alternative Payment or voucher programs), immigration status is not a barrier to receiving subsidized child care for most families. The general rule for child care benefits (other than CalWORKs) is that the immigration status of your children usually determines whether your family is eligible. However, most subsidized child care programs in California, allow families to get child care benefits without checking into the immigration status of the children or the parents. Of course, immigrant families must meet the same eligibility requirements as all other families who need help paying for child care. San Francisco has special programs for families with babies, and for families who are living in a homeless shelter or a domestic violence shelter (or have lived in a shelter within the past six months). Again, families can get this type of subsidized child care regardless of their immigration status.

## 5. WHY AREN'T ALL ELIGIBLE LOW-INCOME FAMILIES GETTING HELP PAYING FOR CHILD CARE? CAN I GET CHILD CARE ASSISTANCE RIGHT AWAY OR IS THERE A WAITING LIST?

The problem for California's subsidized child care programs is that there is not enough money to pay for child care for all the families who are eligible. So, when you look for help paying for child care, you may be told that you have to put your name on San Francisco's waiting list (Centralized Eligibility List, telephone: (415) 276-2900). A child care center or subsidy program will contact you when there is an opening to help your family pay for child care. Depending on your income, and how many other low income families are requesting help paying for child care, you may have to wait a long time. (Parents receiving CalWORKs cash aid or who have left aid within the past 24 months have a right to subsidized child care and do not need to go on the waiting list.)

## 6. WILL I OR MY FAMILY MEMBERS BE REPORTED TO IMMIGRATION AUTHORITIES IF I APPLY FOR CHILD CARE?

**No.** In most cases, you will not be asked to answer questions about your immigration status when applying for child care assistance. For programs like CalWORKs that do ask immigration questions, the information is used only to determine whether you are eligible for assistance, and cannot be used to deport you unless a criminal violation is involved.

**Note:** If you are applying for assistance for your child, and are not looking to get cash aid for yourself, you do not need to give information about your immigration status. If asked, you can simply tell the agency that you are an "ineligible" or a "not qualified" immigrant. (Ineligible or "not qualified" is not the same as "undocumented"). Although you need to tell the truth about how much income you make, you do not need to provide more information than is necessary to determine whether your child is eligible.

## 7. IS INFORMATION ABOUT SPONSORSHIP REQUIRED AS A COMPONENT OF APPLYING FOR SUBSIDIZED CHILD CARE?

**It depends.** If you are applying for CalWORKs cash aid and for CalWORKs child care, you will be asked for information about your sponsor. However, if you are applying for any other type of child care benefits, you do not have to supply ANY information about sponsors.

## 8. DO I HAVE TO GET FINGERPRINTED?

**It depends.** You do have to get fingerprinted when you apply for CalWORKs cash aid for yourself and your children. You do not have to get fingerprinted when you apply for any other type of subsidized child care. However, if you plan to have a relative (other than a grandparent, aunt or uncle), friend or neighbor care for your children and get paid with the subsidy, then that person will have to get fingerprinted and undergo a criminal background check. The child care provider's fingerprints cannot be used against the provider for immigration enforcement purposes. Earnings received by the relative, friend or neighbor providing child care will be reported to the IRS Internal Revenue Service (the tax authority).

## 9. DO I HAVE TO PROVIDE A SOCIAL SECURITY NUMBER (SSN)?

**It depends.** Parents who receive CalWORKs cash aid for themselves are required to provide a SSN in order to get cash assistance and CalWORKs child care. Parents who apply for CalWORKs cash aid for their children only do not need to provide a SSN. These parents will not be eligible for CalWORKs child care, but may be able to get other forms of non-CalWORKs child care.

Families applying for any other type of child care assistance cannot be required to provide a SSN. Child care subsidy agencies often ask parents to provide a SSN, but this is completely voluntary and the parent can refuse to provide a SSN and still receive child care benefits. If you do not have a valid SSN for work purposes, you should not provide any other SSN to the child care subsidy agency. The child care agency will accept proof of your income in other ways, for example, through a letter from your employer or receipts from your own business.

Child care providers, however, generally are required to provide a tax identification number or a Social Security number (SSN).

## **10. I AM STILL UNSURE HOW THIS BENEFIT MAY AFFECT MY IMMIGRATION STATUS. WHERE CAN I GET MORE INFORMATION?**

Anyone with a legal question or questions about laws relating to child care may call the Child Care Law Center Information and Referral Line at (415) 394-7144 between 12 and 3 p.m. Pacific Time on Mondays and Thursdays to speak with a staff attorney or a law student working under the supervision of an attorney. Or visit the website: [www.childcarelaw.org](http://www.childcarelaw.org).

**To get additional information online about how benefits impact your immigration status, visit <http://www.uscis.gov> and search for "public charge."**

### **Children's Council of San Francisco**

445 Church Street

San Francisco, CA 94114

**Resource & Referral:** (415) 343-3300

**Email:** [children@childrenscouncil.org](mailto:children@childrenscouncil.org)

Main Number: (415) 276-2900

Language Capacity: English, Russian,  
Chinese, Vietnamese, & Spanish

### **Wu Yee Children's Services**

888 Clay Street

San Francisco, CA 94108

**Resource & Referral:** (415) 391-4956

**PFA Line:** (415) 354-3873

Language Capacity:

This FAQ provides general guidance only and is not meant to substitute for legal advice. Any non-citizen who is concerned about the potential impact of using child care benefits on future ability to obtain a green card or citizenship status should speak with an immigration attorney or legal aid office. A local resource for more information on immigrant eligibility for public benefits is the National Immigration Law Center at [www.nilc.org](http://www.nilc.org). To get additional information online about how benefits impact your immigration status, visit <http://www.uscis.gov> and search for "public charge."