

Post-Wildfires Immigration FAQs

Are immigrants eligible for cash assistance from FEMA?

Yes, “qualified” immigrants who meet other FEMA eligibility requirements may be eligible. Or if anyone in the household, including a child is a U.S. citizen or a “qualified” immigrant, the entire household may be eligible..

What is a “qualified” immigrant?”

A “qualified” immigrant includes lawful permanent residents (green card holders), refugees or asylees, persons granted withholding of deportation, withholding of removal, or humanitarian parole into the U.S. (if the parole is expected to last at least one year); a Cuban or Haitian entrant under the Refugee Education Assistance Act of 1980; a survivor of domestic violence (spouse or child/children) with a pending or approved petition for relief; or a trafficking survivor.

What if I am not a “qualified” immigrant but have a U.S. citizen minor child?

An undocumented parent or guardian may apply on behalf of an U.S. citizen child who lives in the household. The child’s name, age, U.S. birth certificate and social security number are required for the application. FEMA can assist with obtaining a social security number. FEMA will not ask for the immigration status of the other household members, but please see below about declaration and sworn statement.

Can more than one household member apply?

No, only one household member can apply. If one household member is eligible, all household members qualify for assistance regardless of the other household members’ immigration status (these households are sometimes referred to as “mixed status”). FEMA will not collect or review the immigration status of other members of the applicant’s household.

Do I have to sign anything?

The applicant must sign a sworn statement called a Declaration and Release stating that the applicant is a “qualified” immigrant or, if applying on behalf of a minor child, that the child is a U.S. citizen or a “qualified” immigrant. The Release authorizes FEMA to verify the immigration status of the applicant (but note that if an undocumented adult is applying on behalf of an eligible minor child, FEMA will only verify the immigration status of the minor child).

Who is Not Eligible for FEMA assistance?

You are not eligible if you:

- Have a non-immigrant visa (other than a T visa), such as work, student, or temporary travel visa
- Were granted Temporary Protected Status (TPS) or
- Were granted relief under the Deferred Action for Childhood Arrivals (DACA) program
- Other individuals who are not a US citizen or a “qualified” immigrant

If I receive FEMA cash assistance, will it prevent me from getting a green card of U.S. citizenship by making me a “public charge”?

No. Under the U.S. Citizenship and Immigration Services (USCIS) guidance, acceptance of emergency disaster relief is not considered public cash assistance that would be weighed in the “public charge” determination. It would not affect your or a household member’s application for lawful permanent residence (a green card) or citizenship.

Are undocumented immigrants eligible for non-cash assistance?

Undocumented immigrants may qualify for non-cash FEMA disaster assistance such as crisis counseling and disaster legal services, as well as emergency food, clothing and shelter and other short-term emergency assistance. Various state and local agencies, nonprofit and faith-based organizations also provide services to undocumented immigrants. They may also be eligible for Disaster SNAP (temporary nutrition assistance)

Are agricultural workers eligible for state unemployment benefits?

Yes, farmworkers are eligible for state unemployment benefits in California if they are federally authorized to work and were work authorized during the “base” period. If a farmworker does not qualify for state unemployment insurance (UI) benefits due to failing to meet the state UI earnings requirement, the farmworker may qualify for Disaster Unemployment Assistance (DUA), if he or she was not employed on a small farm. Applicants for DUA must also be federally authorized to work.

Are immigrant workers eligible for state unemployment benefits and federally-funded Disaster Unemployment Assistance (DUA)?

Generally, workers who have work authorization both at the time that they were working and while they collect benefits may qualify for regular state unemployment benefits and DUA. Individuals who are not U.S. citizens must present documentation supporting their immigration status, and the State UI agency must verify their status through a government process called Systematic Alien Verification for Entitlement Program (SAVE), administered by US Citizenship and Immigration Services (USCIS).

If my naturalization certificate was damaged or destroyed by the wildfire, can I replace it?

File Form N-565 (Application for Replacement Naturalization/Citizenship Document) available at <https://www.uscis.gov/n-565>. If you believe you are eligible for a fee waiver of the applicable \$555 fee, [complete Form I-912 \(Request for Fee Waiver\)](#) and submit it and any required evidence of your inability to pay the filing fee with the application. You can review the fee waiver guidance at <https://www.uscis.gov/feewaiver>.

How do I replace my green card if it was damaged or destroyed by the wildfire?

File Form I-90 (Application to Replace Permanent Resident Card) available at <https://www.uscis.gov/i-90> online or by mail with the application fee of \$540. If you apply for a fee waiver, you may not file online. You can review the fee waiver guidance and [Form I-912](#) at <https://www.uscis.gov/feewaiver>. While waiting for the new card, once you have the Form I-90 filing receipt, you can request an I-551 stamp from USCIS as legal proof of your lawful permanent resident status. To request an I-551 stamp, schedule an InfoPass appointment with USCIS at <https://my.uscis.gov/appointment>. An active I-551 stamp is required to travel outside of the United States.

How do I replace my work permit?

You must submit Form I-765 (Application for Employment Authorization) which is available at <https://www.uscis.gov/i-765>. As with the N-565 and I-90, you may file a Form I-912 fee waiver available at <https://www.uscis.gov/feewaiver> in connection with the \$410 processing fee. The processing time is 90 days. Also, you need to submit copy of previous work authorization document or approval notice and copy of photo identification and copy of documents evidencing your eligibility, such as asylum approval or I-140 approval notice.

If I had to move because of the wildfires, do I need to let USCIS know?

Under the law, all non-citizens must inform the U.S. government of a change of address. If you have an application pending or approved by USCIS, you need to file Form AR-11 (Alien's Change of Address Card) which is available at <https://www.uscis.gov/ar-11> or by calling 1-800-870-3676. If you are in immigration court proceedings, you need to file Form EOIR-33/IC (Alien's Change of Address Form/Immigration Court) which is available at <https://www.justice.gov/eoir/list-downloadable-eoir-forms>. If you do not have a permanent address as a result of the natural disaster, provide the address of a trusted family member or friend.

I missed my USCIS appointment due to the fire. What do I do?

The USCIS website has announced that the USCIS San Francisco Field Office will automatically reschedule applicants who missed naturalization (N-400) or adjustment of status (I-485) interviews due to the Northern California wildfires or evacuation orders. This policy will remain active ONLY until evacuation orders and road closures are lifted in affected counties. USCIS does not require applicants to contact the office and will mail a notice to applicants who miss their interviews. Anyone who misses an INFOPASS appointment may reschedule the appointment on their own on line at <https://my.uscis.gov/appointment>, or may go to the office where the appointment was originally scheduled with the appointment notice. If your appointment is with the Sacramento Field Office, San Jose Field Office, or any other USCIS field or district office, please ensure that you contact the appropriate office to reschedule your appointment. Please check the USCIS website for updates; if you have any doubt about whether your appointment has been rescheduled, you should contact USCIS as soon as possible to confirm (see below).

San Francisco Field Office:

<https://www.uscis.gov/about-us/find-uscis-office/field-offices/california-san-francisco-field-office>

Sacramento Field Office:

<https://www.uscis.gov/about-us/find-uscis-office/field-offices/california-sacramento-field-office>

San Jose Field Office

<https://www.uscis.gov/about-us/find-uscis-office/field-offices/california-san-jose-field-office>

Rev. 10.20.2017