# Undocumented Workers’ Guide to Applying for California Disability Insurance & Paid Family Leave

This guide provides step-by-step instructions for undocumented workers to apply for California Disability Insurance (DI) and Paid Family Leave (PFL) benefits. Eligible workers can apply to the Employment Development Department (EDD) for DI and PFL benefits, which provide partial pay when a worker takes time off work for their own disability or to care for a family member. These benefits are available regardless of immigration status. Because the DI and PFL applications ask for a Social Security number (SSN), this guide provides recommended steps that undocumented workers can follow to apply for benefits without swearing that they have a SSN. **PLEASE NOTE:** that 2021 COVID-19 Supplemental Paid Sick Leave (SPSL) expired on September 30, 2021. If you took leave for COVID-19 between January 1, 2021 and September 30, 2021 and were not paid, visit [https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html](https://www.dir.ca.gov/dlse/COVID19Resources/FAQ-for-SPSL-2021.html)

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About Disability Insurance and Paid Family Leave
The California State Disability Insurance (SDI) program provides short-term Disability Insurance (DI) and Paid Family Leave (PFL) wage replacement benefits to eligible workers who need time off work. If you have paid into the California DI Fund, you may be eligible to receive short-term DI and PFL benefits. DI and PFL benefits are available regardless of immigration status.

For what reasons can I receive DI and PFL benefits?

<table>
<thead>
<tr>
<th>How long can I get this benefit?</th>
<th>DI</th>
<th>PFL</th>
</tr>
</thead>
<tbody>
<tr>
<td>52 weeks</td>
<td></td>
<td>8 weeks within a 12-month period</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>For what reasons?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your own:</td>
</tr>
<tr>
<td>- Non-workplace illness or injury</td>
</tr>
<tr>
<td>- Pregnancy</td>
</tr>
<tr>
<td>- Childbirth</td>
</tr>
<tr>
<td>- To care for a seriously ill family member</td>
</tr>
<tr>
<td>- To bond with a newborn, adopted, or foster child</td>
</tr>
<tr>
<td>- To address qualifying needs arising from a family member’s military deployment to a foreign country</td>
</tr>
</tbody>
</table>

You can apply for DI and PFL benefits through the Employment Development Department (EDD).

Do I have to provide a Social Security number to apply?
The DI and PFL applications currently ask for a worker’s SSN so that the EDD can identify your wages and determine your weekly benefit amount. They also require you to sign and swear that everything included in the application is true. This guide provides steps that undocumented workers can follow to apply for benefits without swearing that they have a SSN.

- How do I know if I paid into the DI Fund? Check your paystub for “CASDI” deductions to see if you have been paying into the DI Fund. If you don’t know if you paid in, or if you were paid in cash, you still may be able to receive benefits. SEE STEP 2.

- Does my employer pay for DI and PFL? No. DI and PFL are 100 percent funded by workers. Employers do not pay for these benefits.

Do I have to pay taxes if I receive DI or PFL benefits?

<table>
<thead>
<tr>
<th>DI</th>
<th>PFL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not taxed unless you switch directly to DI from receiving Unemployment Insurance.</td>
<td></td>
</tr>
<tr>
<td>- If you do, your DI benefits will be federally taxable and the EDD will issue a 1099G tax form.</td>
<td></td>
</tr>
<tr>
<td>Subject to federal but not state taxes.</td>
<td></td>
</tr>
</tbody>
</table>

DI and PFL are not considered “public charge” benefits and will not affect the path to citizenship.
Request a Paper Application

• When do I apply?
Apply for benefits within 49 days (DI) or 41 days (PFL) of the first day you are off work for your qualifying reason. You cannot apply early. You can apply late if you have good cause for the delay.

• How do I apply?
You must submit an application to receive DI or PFL benefits. There are two options:
1. Apply online at SDI Online at edd.ca.gov/disability/sdi_online.htm OR
2. Submit a paper application.

• Why should undocumented workers use a paper application?
- The application requires you to sign and swear that everything in the application is true.
- On the online application, you must answer the question asking for “your Social Security number” to complete and submit the application. You cannot leave this question blank.
- Undocumented workers should use the paper application because they can leave blank the question asking for “your Social Security number.” SEE STEP 2.

• What forms will I need?

<table>
<thead>
<tr>
<th></th>
<th>DI</th>
<th>PFL</th>
</tr>
</thead>
<tbody>
<tr>
<td>English</td>
<td>Claim for Disability Insurance (DI) Benefits (DE 2501)</td>
<td>Claim for Paid Family Leave (PFL) Benefits (DE 2501F)</td>
</tr>
<tr>
<td>Spanish</td>
<td>Solicitud para Beneficios del Seguro Incapacidad (DI) (DE2501/S)</td>
<td>Solicitud de Beneficios del Permiso Familiar Pagado (PFL) (DE2501F/S)(PDF)</td>
</tr>
</tbody>
</table>

• How do I get a paper application?

<table>
<thead>
<tr>
<th></th>
<th>DI</th>
<th>PFL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Order Online</td>
<td>For ordering instructions visit, SDI Forms and Publications edd.ca.gov/Disability/Forms_and_Publications.htm</td>
<td></td>
</tr>
<tr>
<td>Download and Print</td>
<td>Not available</td>
<td>English: NOT available to download Spanish: available to download at edd.ca.gov/pdf_pubCtr/de2501fs.pdf</td>
</tr>
<tr>
<td>Call the EDD</td>
<td>1-800-480-3287</td>
<td>1-877-238-4373</td>
</tr>
<tr>
<td>Healthcare Provider</td>
<td>Ask your healthcare provider for a copy of the applications.</td>
<td></td>
</tr>
</tbody>
</table>
• What information will I need to provide?
  - Your biographical information (e.g., name, address, date of birth, etc.)
  - Information about your employer (e.g., name of employer, address, dates of work, etc.)
  - When you stopped working.

• Where am I asked to enter my Social Security Number (SSN)?
  - **Question A1** on the DI and PFL applications ask you to enter “your Social Security number.”

• What do I do when I am asked to enter my SSN?
  - You do NOT have to complete this part of the application. Because you must sign the application under penalty of perjury, undocumented workers should leave question A1 blank.
  - Attach to your application a separate letter stating what SSN you have earned wages under. Also include your preferred language for communicating with the EDD on your application and in your letter. A template letter to inform the EDD of the SSN you used to earn wages is available at the end of this guide.
  - Attach proof of your wages like a copy of your current and prior year’s W-2 and/or pay stubs from the last 18 months. You can determine your exact base period by entering your requested claim start date in the Disability Insurance and Paid Family Leave Calculator [edd.ca.gov/Disability/PFL_Calculator.htm](http://edd.ca.gov/Disability/PFL_Calculator.htm).
  - If you were paid in cash, state this in your letter, and explain how much and how often you were paid. You will need to submit detailed proof of your cash payments (e.g., cash deposit statements, Venmo, PayPal, receipts, etc.). Please note, if the EDD cannot verify your wages, you may be denied benefits.

• How do I submit my proof of wages to the EDD?
  Remember to send copies of your documents and not the original. The EDD will not send back any documents you mail to them. Keep a copy of everything you send to the EDD; you can do this by taking a picture of the documents you send.
• What do I do when I am asked about other SSNs I may have used?
  - On the DI application, question A5 asks what other SSNs you have used. You can list
    the SSN you have earned wages under in response to question A5 (since you are
    not signing under penalty of perjury that this is your SSN, just that this is a SSN you
    have used), but you should still attach a letter and proof of wages. You can also leave
    question A5 blank. The PFL application does not ask this question.

• What do I do when I am asked if I have worked under another name?
  - Question A9 on the DI application and A7 on the PFL application ask if you have worked
    under another name.
  - You can provide other names in response to this question.

• Does anyone else need to fill out and sign the claim form?
  - For PFL caregiving claims, the person you are providing care for will also need to fill out
    and sign their portion of the claim form.
  - For DI claims and PFL caregiving claims, a doctor will also need to fill out their portion of
    the form.

• How do I submit the application?
  - Complete the rest of the application and sign and mail it back to the EDD using the
    envelope provided with your paper application.
  - If you can, make a copy of the application before you send in the original or take a
    picture of the application with your phone.

Provide the EDD with Additional Information

REMEMBER to send copies of your documents and not the original. The EDD will not send
back any documents you mail to them. Keep a copy of everything you send to the EDD;
you can do this by taking a picture of the documents you send.

STEP THREE

• Will the EDD contact me after I submit my application?
  - The EDD may contact you to ask for more information. You should expect
    a phone call. Phone calls from the EDD may show on your caller ID as
    “St of CA EDD“ or as a private number.
  - You should answer or return the call as soon as possible, but no later than 2 days.

• What should I say if the EDD calls?
  IF YOU HAVE PAYSTUBS AND/OR W-2S:
  - Tell the EDD representative your preferred language for the call.
  - Be prepared to state your full name, birth date, and the social security number(s) you have
    worked under. If you have an EDD Client Number (ECN) tell them that number. Tell them
    that you submitted with your application proof of wages during your base period, or if you
    haven’t submitted proof of wages, be prepared to do so.

  IF YOU WERE PAID IN CASH:
  - Tell the EDD representative your preferred language for the call.
- Be prepared to state your full name, birth date, and the social security number(s) you have worked under. If you have an EDD Client Number (ECN) tell them that number. Give your employer’s name and workplace address. Tell them that your employer paid you in cash and give any contact information you have for your employer. Tell them how often your employer paid you (e.g. every week, two weeks). Tell them that you submitted with your application proof of wages during your base period, or if you haven’t submitted proof of wages, be prepared to do so. This can include cash deposit statements, Venmo, PayPal, receipts, etc.

- What happens if I miss the call from the EDD?
  - If the EDD is unable to reach you by phone, they will send you a Notice of Claim Error (DE 2535) in the mail. You may send this notice back to the EDD with a letter including the SSN you used to earn wages or confirming you do not have a SSN. You may also provide this information by phone at 1-800-480-3287 for DI and 1-877-238-4373 for PFL. Request other languages over the phone or Contact SDI edd.ca.gov/Disability/Contact_SDI.htm#byphone for dedicated phone lines.

- Will I receive any other notices from the EDD?
  - You may receive a Notice of Computation (DE 429D or DE 429DF) saying that the SSN you have been working under has already been used by another person. See sample DE 429D below. If this happens, the EDD will assign you an EDD Client Number (ECN) for you to use going forward.

- What do I do if I receive a Notice of Computation?
  - Although this notice says you may obtain proof that the SSN is yours from the Social Security Administration, you DO NOT need to do this. If your wages on the notice are correct, you do not have to do anything.
  - If your wages on the notice are incorrect, you should respond to the notice with a letter listing your employer(s) during the last 18 months and a copy of your W-2 and/or paystubs showing your wages earned during the time period listed on the notice. This letter should also include your ECN if they have assigned you one.
Make Sure Your Job is Protected

• Remember, DI and PFL provide pay but do not give you the right to take leave and return to your job after.

• While you are receiving DI or PFL, your job may be protected under separate laws.
  o For example, the California Family Rights Act (CFRA) provides up to 12 weeks of job-protected leave, with the right to return to work, if you have worked for your employer for at least one year; you worked at least 1,250 hours in the year before your leave; and your employer has at least 5 employees.
  o If you do not qualify for CFRA but need leave because of your own health, the Fair Employment and Housing Act may give you the right to leave. For more information, contact the Department of Fair Employment and Housing at dfgh.ca.gov.

• You should ask your employer for leave and tell them how much leave you need as soon as you learn of your need for leave.

• Just like DI and PFL, job-protected leave is available regardless of immigration status.

• Even if you lose your job or do not qualify for job protection, you can still receive DI and PFL benefits.

Receive Your Benefits

• How long do I have to wait to receive my benefits?
  - You should expect to wait approximately 2 weeks before receiving payment. If your wages need to be verified, it may take additional time to receive payment.
  - Ordinarily there is a 7-day unpaid waiting period before DI benefits begin. However, beginning January 24, 2020, through the duration of the COVID-19 emergency, the Governor’s Executive Order waives the waiting period for workers who have a medically certified COVID-19 related diagnosis.
  - There is no waiting period for PFL claims, so your benefits will begin the first day you are off work for a qualifying reason.
  - Even if your benefits arrive late, you will still be paid for all qualifying days.

• How will I receive the payment?
  - The EDD will pay you either on a debit card or by check. When you apply, the EDD will ask which method you prefer. However, if you are filing without a SSN and have been assigned an EDD Client Number, you will be limited to payment by check only.
If you are undocumented and have paystubs and/or W-2s, use this template letter, personalize it, and attach it to your DI or PFL claim form:

[Date]
Disability Insurance Branch
Employment Development Department

To Whom it May Concern:

My name is [full name]. My date of birth is [date]. The social security number or social security numbers I have worked under is [ssn]. (If applicable: My EDD Client Number is [number].)

I have attached the following proof of my wages during my base period: [paystubs, W-2s].

Please let me know if you need any additional information. You can reach me at [phone number]. I would like the EDD to communicate with me in [my preferred language].

Thank you.

[signature]
[full name]

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