



## Eligibility for State Funded TANF Replacement Programs for Immigrant Crime Victims<sup>i</sup>

By: Benish Anver and Leslye E. Orloff  
December 15, 2016

| States               | Qualified Immigrants <sup>ii</sup>   | VAWA <sup>iii</sup> | PRUCOL (includes VAWA, T & U-Visa Applicants) <sup>iv</sup>  | Deeming <sup>v</sup> |
|----------------------|--|---------------------|--|----------------------|
| Alabama              | No   | No                  | No   | No                   |
| Alaska               | No   | No                  | No   | No                   |
| Arizona              | No   | No                  | No   | No                   |
| Arkansas             | No   | No                  | No   | No                   |
| California           | Yes  | Yes                 | Yes & trafficking victims  | Maybe                |
| Colorado             | No   | No                  | No   | No                   |
| Connecticut          | Yes requires pursuit of citizenship  | Yes                 | No   | Maybe                |
| Delaware             | No   | No                  | No   | No                   |
| District of Columbia | No   | No                  | No   | No                   |
| Florida              | No   | No                  | No   | No                   |
| Georgia              | Yes  | No                  | No   | No                   |
| Hawaii               | Yes and COFA <sup>vi</sup>   | No                  | No   | No                   |
| Idaho                | No   | No                  | No   | No                   |
| Illinois             | Yes for abused immigrants only   | Yes                 | Yes Effective 1/1/18 includes individuals and family members preparing to file U or T visa or asylum cases. Must file within a year. | No                   |
| Indiana              | No   | No                  | No   | No                   |
| Iowa                 | Yes abused immigrants with conditional or permanent residency, VAWA self-petitioners with prima facie, I-130 visa petition filed by spouse or parent and parents and children of these abused immigrants | Yes                 | No   | No                   |

**National Immigrant Women’s Advocacy Project (NIWAP, pronounced *new-app*)**

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# NIWAP

| States        | Qualified Immigrants <sup>ii</sup>   | VAWA <sup>iii</sup> | PRUCOL (includes VAWA, T & U-Visa Applicants) <sup>iv</sup>   | Deeming <sup>v</sup> |
|---------------|--|---------------------|---|----------------------|
| Kansas        | No   | No                  | No  | No                   |
| Kentucky      | No   | No                  | No  | No                   |
| Louisiana     | No   | No                  | No  | No                   |
| Maine         | Yes must meet hardship criteria. Exceptions for seniors, disabled & victims of domestic violence and persons awaiting employment authorization | Yes                 | Yes must meet hardship criteria, including seniors, disabled & victims of domestic violence and persons awaiting employment authorization   | Maybe                |
| Maryland      | Yes  | Yes                 | No, only lawfully present immigrants including wait list approved U visa victims, trafficking victims, and applicants for special immigrant juvenile status. <sup>viii</sup>  | Maybe                |
| Massachusetts | No   | No                  | No  | No                   |
| Michigan      | No   | No                  | No  | No                   |
| Minnesota     | Yes<br>LPRs receiving benefits must enroll in literacy and civics classes and pursue citizenship   | No                  | No only lawfully present immigrants including wait list approved U visa victims, trafficking victims, and applicants for special immigrant juvenile status. <sup>viii</sup> LPRs receiving benefits must enroll in literacy and civics classes and pursue citizenship. Family stabilization services case management to address barriers to work open to lawfully present immigrants in US under 12 months. | Maybe                |

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| States         | Qualified Immigrants <sup>vi</sup>  | VAWA <sup>vii</sup> | PRUCOL (includes VAWA, T & U-Visa Applicants) <sup>viii</sup>                  | Deeming <sup>ix</sup> |
|----------------|---|---------------------|--|-----------------------|
| Mississippi    | No  | No                  | No   | No                    |
| Missouri       | No  | No                  | No   | No                    |
| Montana        | No  | No                  | No   | No                    |
| Nebraska       | No  | No                  | No   | No                    |
| Nevada         | Yes abused immigrants only  | Yes                 | No   | No                    |
| New Hampshire  | No  | No                  | No   | No                    |
| New Jersey     | Yes abused immigrants only  | Yes                 | Yes Those who resided in the US on or before Aug. 22, 1996 only.               | No                    |
| New Mexico     | Yes   | Yes                 | No   | Maybe                 |
| New York       | Yes   | Yes                 | Yes  | No                    |
| North Carolina | No  | No                  | No   | No                    |
| North Dakota   | No  | No                  | No   | No                    |
| Ohio           | No- including those who have completed the 5 year bar, unless they are persons under an order of supervision of the court | No                  | No   | No                    |
| Oklahoma       | No  | No                  | No   | No                    |
| Oregon         | Yes   | Yes                 | No- victims of domestic violence are eligible regardless of immigration status | Maybe                 |
| Pennsylvania   | Yes   | Yes                 | Yes  | Maybe                 |
| Rhode Island   | Yes abused immigrants only  | No                  | No   | No                    |
| South Carolina | No  | No                  | No   | No                    |
| South Dakota   | No  | No                  | No   | No                    |
| Tennessee      | Yes abused immigrants only  | Yes                 | No   | No                    |
| Texas          | No  | No                  | No   | No                    |

| States        | Qualified Immigrants <sup>x</sup>                                   | VAWA <sup>xi</sup> | PRUCOL (includes VAWA, T & U-Visa Applicants) <sup>xii</sup>   | Deeming <sup>xiii</sup> |
|---------------|---|--------------------|--|-------------------------|
| Utah          | Yes   | Yes                | No   | Maybe                   |
| Vermont       | No  | No                 | No   | No                      |
| Virginia      | No  | No                 | No   | No                      |
| Washington    | Yes   | Yes                | No, only lawfully present immigrants including wait list approved U visa victims, trafficking victims, and applicants for special immigrant juvenile status.<br>viii | Maybe                   |
| West Virginia | No  | No                 | No   | No                      |
| Wisconsin     | Yes family eligibility is determined by parents' immigration status | Yes                | No   | Maybe                   |
| Wyoming       | Yes   | Yes                | No   | Maybe                   |
| Puerto Rico   | No  | No                 | No   | No                      |
| Guam          | No  | No                 | No   | No                      |

\* For the most up to date information and more detail see: National Immigration Law Center, State-Funded TANF Replacement Programs, Table 8, August 2016, available at [https://www.nilc.org/wp-content/uploads/2015/11/tbl8\\_state-tanf.pdf](https://www.nilc.org/wp-content/uploads/2015/11/tbl8_state-tanf.pdf)

<sup>i</sup> © National Immigrant Women's Advocacy Project 2016. The original version of this chart was published March 12, 2013. This project was supported by Grant No. 2011-TA-AX-K002 awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

<sup>ii</sup> **Qualified Immigrants**— are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, persons granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse is also “qualified”); and (5) victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a

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T visa sets forth a *prima facie* case. (A broader group of trafficking victims who are certified by or receive an eligibility letter from the Office of Refugee Resettlement are eligible for benefits funded or administered by federal agencies, without regard to their immigration status.) See National Immigration Law Center, State-Funded TANF Replacement Programs, Table 8, August 2016, available at: [https://www.nilc.org/wp-content/uploads/2015/11/tbl8\\_state-tanf.pdf](https://www.nilc.org/wp-content/uploads/2015/11/tbl8_state-tanf.pdf) (full details of programs available in states provided by NILC).

iii **Violence Against Women Act (VAWA)**– includes: 1. VAWA self-petitioners, as defined by INA § 101(a)(51); 2. VAWA cancellation of removal, INA § 240A; 3. VAWA suspension of deportation, INA § 244(a)(3)(as in effect prior to March 31, 1997); 4. An immigrant who has been subjected to battering or extreme cruelty, whose spouse or parent filed a family based visa petition for them, which is pending and sets out a prima facie case for approval or has been approved. The battery and extreme cruelty could have been perpetrated by the spouse or parent or a member of the spouse or parent’s family residing in the same household as the victim. All immigrants applying for benefits under VAWA must demonstrate a substantial connection between the battering or extreme cruelty and the need for benefits.

iv **PRUCOL or Permanently Residing in the U.S. Under the Color of Law**– is not an immigration status, but a benefit eligibility category. The term, which generally means that U.S. Citizenship and Immigration Services is aware of a person’s presence, but has no plans to deport/remove him or her, has been interpreted differently depending on the benefit program and jurisdiction.

v **Deeming**– in some cases, a sponsor’s income and/or resources may be added to the immigrant’s in determining eligibility. Exceptions from deeming may apply.

vi **COFA** – Compact of Free Association between the United States and the Federated States of Micronesia which comprise the districts of Kosrae, Pohnpei, Chuuk, Yap and the Republic of the Marshall Islands, The Commonwealth of the Northern Mariana Islands and the Republic of Palau.

vii **Lawfully Present** - For a full list of immigration statuses deemed lawfully present see: Center for Medicare and Medicaid Services, *Medicaid and CHIP Coverage for “Lawfully Residing” Children and Pregnant Women* (July 1, 2010) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>