



**California Public Benefits Screening Chart for
Immigrant Survivors by Forms of Immigration Relief¹
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Last updated: September 5, 2022**

The purpose of this simplified chart is to provide a tool that victim advocates, attorneys, judges and court staff can use to identify which immigrant survivors and immigrant children qualify for which state or federally funded public benefits, programs and services. This tool was designed to be a first step to identify which immigrant survivors may qualify for which benefits and services. When an immigrant survivor is listed as qualifying or qualifying with conditions on this chart, the second step is to turn to the full public benefits chart NIWAP developed for your jurisdiction where you can look up the details/conditions of what is needed to prove eligibility and what are the sources of law that prove eligibility.

This chart is not an exhaustive list of public benefits available to immigrants in California and but a simplified snapshot of access to certain benefits including cash assistance, healthcare, and housing. This chart is meant to be used in conjunction with NIWAP's [Access to State-Funded Public Benefits in California for Survivors, Based on Immigration Status](https://niwaplibrary.wcl.american.edu/pubs/california-benefits), available at: <https://niwaplibrary.wcl.american.edu/pubs/california-benefits> that provides detailed information with citations to all of the relevant sources of law, regulations, and policies. This more detailed publication includes citations to materials that you can take with you when you accompany an immigrant victim applying for state or federal public benefits or other forms of assistance. In addition to the benefits and services discussed on this chart below, there is also a wide range of assistance that is available as a matter of law to all immigrants regardless of status.¹ For an interactive map that breaks down available public benefits based on the state and immigration status go here: <http://map.niwap.org/>.

Note: The 1996 welfare reform laws authorized states to implement state laws that offer immigrants more state funded benefits than federal public benefits provided and also authorized states to impose more restrictions on the federal public benefits immigrants living in the state could access. This state has elected to:

- Offer MORE STATE FUNDED BENEFITS to certain groups of immigrants in the following benefits programs: TANF; TANF Funded Child Care; Child Care Funded by TANF and the Child Care Development Fund (CCDF); Supplemental Security Income (SSI); Supplemental Nutrition Assistance Program (SNAP); Health Care Exchange premium insurance assistance; Child Health Insurance Program (CHIP), Prenatal care; Medicaid, Family Medical Leave Act, Post-secondary education in-state tuition, grants and loans, Driver's licenses, and Energy Assistance.
- Impose MORE RESTRICTIONS on immigrant access to federal public benefits: Not Applicable.

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PROGRAM	VAWA Self Petitioner and Battered Spouse Waiver ²	Refugees, ³ Asylees, T Visas	T Visa Bona Fide or Continued Presence	Deferred Action for Childhood Arrivals (DACA)	Special Immigrant Juvenile Status (SIJS)	U Visa, Bona Fide, or Wait List Approval	U Visa (Petition Filed)	Undocumented
CASH & NUTRITION ASSISTANCE, AND CHILDCARE								
<u>Temporary Assistance for Needy Families (TANF) (Cash Assistance)</u>	In CA, VAWA self-petitioners eligible.	Eligible.	In CA, applicants for T visas and continued presence eligible.	In CA, DACA recipients may be eligible for General Assistance.	In CA, SIJS applicants eligible.	In CA, eligible.	In CA, U visa applicants eligible.	Not eligible.
<u>Child Care Funded by TANF and the Child Care Development Fund (CCDF)</u>	Eligible for CCDF. Eligible for TANF funded childcare when receiving CalWorks.	Eligible.	Eligible for CCDF. Eligible for TANF funded childcare with HHS certification or eligibility letter.	Eligible for CCDF.	Eligible for CCDF. Eligible for TANF funded childcare when receiving CalWorks.	Eligible for CCDF. Eligible for TANF funded childcare when receiving CalWorks.	Eligible for CCDF. Eligible for TANF funded childcare when receiving CalWorks.	Eligible for CCDF.
<u>Supplemental Security Income (SSI)</u>	Eligible with conditions upon prima facie determination.	Eligible for first 7 years after status is granted. In CA, with conditions eligible longer.	Eligible upon receipt of HHS certification or eligibility letter.	In CA, DACA grantees eligible with conditions.	In CA, SIJS applicants eligible with conditions.	In CA, U visa holders, bona fide determinations, and waitlist approvals eligible with conditions.	In CA, U visa applicants eligible with conditions.	Not eligible.
<u>Supplemental Nutrition Assistance Program (SNAP)</u>	In CA, VAWA self-petitioners eligible.	Eligible.	In CA, continued presence recipients and T bona fide determinations with HHS certification and eligibility letters and also T visa applicants eligible.	Not eligible.	In CA, eligible upon obtaining lawful permanent residency.	In CA, U visa holders, bona fide determinations, and waitlist approvals eligible.	In CA, U visa applicants eligible.	Not eligible.
<u>Nutrition Program: For Women, Infants and Children (WIC)</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.

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HEALTHCARE								
<u>Emergency Medicaid</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<u>Health Insurance Exchanges</u>	Eligible with prima facie determination. In CA, with conditions may be eligible for subsidies.	Eligible. In CA, with conditions may be eligible for subsidies.	Eligible with HHS certification or eligibility letter. In CA, with conditions may be eligible for subsidies.	Not eligible. In CA, DACA grantees are eligible for Covered California.	Eligible upon filing SIJS application. In CA, with conditions may be eligible for subsidies.	Eligible upon U visa bona fide determination, wait list approval or U visa. In CA, with conditions may be eligible for subsidies.	Not eligible. In CA, U visa applicants are eligible to purchase Covered California and may be eligible for subsidies.	Not eligible.
<u>Medicaid</u>	In CA, VAWA self-petitioners eligible.	Eligible.	Eligible with HHS certification or eligibility letter.	In CA, eligible upon receipt of DACA.	In CA, eligible upon filing for SIJS.	In CA, eligible with U visa, bona fide determination or wait list approval.	In CA, U visa applicants eligible.	In CA, eligible with conditions.
<u>Prenatal Care</u>	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.	In CA, eligible for prenatal care and up to 12 months of postpartum care without regard to immigration status.
<u>Children's Health Insurance Program (CHIP)</u>	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.	In CA, all children eligible without regard to immigration status.

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<u>Victims of Crime Act (VOCA) Compensation</u>	The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status.							
<u>Family Medical Leave Act (FMLA) – State Law</u>	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.	May be eligible for CA Family Rights Act and federal FMLA without regard to immigration status.
HOUSING AND WEATHERIZATION								
<u>Public & Assisted Housing⁴</u>	Eligible upon filing. In CA, may also be eligible to live in Low Income Housing Tax Credit property.	Eligible. In CA, may also be eligible to live in Low Income Housing Tax Credit property.	Eligible with HHS certification or eligibility letter. In CA, may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In CA, may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In CA, may also be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In CA, may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In CA, may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In CA, may be eligible to live in Low Income Housing Tax Credit property.
<u>Emergency Shelter, Transitional Housing, Health, and Life and Safety Services</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<u>Weatherization Assistance Program (WAP) and Low-Income Home Energy</u>	Eligible for WAP if living in multi-family dwellings. Eligible for LIHEAP with	WAP if living in multi-family dwellings. Eligible for LIHEAP.	WAP if living in multi-family dwellings. Eligible for LIHEAP with	WAP if living in multi-family dwellings. In CA, low-income	WAP if living in multi-family dwellings. Eligible with conditions for	WAP if living in multi-family dwellings. Eligible with conditions for	WAP if living in multi-family dwellings. In CA, low-income	WAP if living in multi-family dwellings. In CA, low-income

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Assistance Program (LIHEAP)	conditions upon prima facie determination. In CA, low-income immigrants eligible for assistance with electrical bills.	In CA, low-income immigrants eligible for assistance with electrical bills.	conditions upon receipt of HHS certification or eligibility letter. In CA, low-income immigrants eligible for assistance with electrical bills.	immigrants eligible for assistance with electrical bills.	LIHEAP upon receiving lawful permanent residency. In CA, low-income immigrants eligible for assistance with electrical bills.	LIHEAP upon receiving lawful permanent residency. In CA, low-income immigrants eligible for assistance with electrical bills.	immigrants eligible for assistance with electrical bills.	immigrants eligible for assistance with electrical bills.
EDUCATION								
Federal Education	Eligible upon prima facie determination.	Eligible.	Eligible with HHS certification or eligibility letter.	Not eligible.	Eligible upon lawful permanent residency.	Eligible upon lawful permanent residency.	Not eligible.	Not eligible.
State Education	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.
<p>All children, without regard to immigration status or citizenship are eligible to attend public elementary and secondary (K-12) schools. State schools may not request citizenship or immigration status information and may not bar students from enrolling in public elementary or secondary schools based on the citizenship or immigration status of the student, their parent or their guardian. Eligible to apply for and enroll in state funded colleges and universities without regard to immigration status.</p> <p>At California public postsecondary institutions, prospective immigrant students are eligible for tuition assistance through in-state tuition rates, the California Promise Grants, Cal Grants (state financial aid), institutional aid and scholarships. Generally, the eligibility of the student is determined if they qualify as a “state resident” or qualifies under AB 540.</p> <p>To qualify as a California “state resident” for tuition purposes, a prospective student must be lawfully present in California for 366 days. Individuals granted DACA, U or T status, a prima facie case determination, or an approved VAWA self-petition are among those considered lawfully present in the U.S. However, for this purpose, students may not have a currently valid immigration visa that requires individuals to maintain a residence abroad.</p> <p>To qualify under AB 540, the prospective student must have 3 years of high school coursework, provided that the student attended a total of 3 years at a Calif. elementary or secondary school, or any combination. Effective in 2018, students may count attendance or credit at an adult school or up to 2 years’ attendance or credit at a community college toward the 3-year total. Must graduate from a Calif. high school, obtain a G.E.D. or (beginning in 2018) an associate degree from a Calif. community college, or minimum transfer requirements for University of Calif. or Calif. State University. All students regardless of immigration status may be eligible including T and U visa holders who meet all AB 540</p>								

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State Education	criteria are eligible for in-state tuition, fee waivers, scholarships, and institutional and state financial aid. Refugees and Iraqi and Afghan Special Immigrants are eligible to pay in-state tuition rates immediately if they originally settle in California. (AB 343, effective Jan. 1, 2018). Other visa holder students are excluded.							
LEGAL SERVICES, DRIVER'S LICENSES, AND EARNED INCOME TAX CREDITS								
Legal Services	Eligible for Legal Services Corporation (LSC)-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Eligible for VAWA funded legal services.	Eligible for all LSC funded legal services. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	Eligible for LSC funded legal services when they receive HHS certification or eligibility letter. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	May be eligible if victims of abuse for LSC funded legal services with conditions. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	May be eligible if victims of abuse for LSC funded legal services with conditions and when SIJS children file for lawful permanent residency fully eligible. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	May be eligible if victims of abuse for LSC funded legal services with conditions. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.
Driver's License	Eligible for California driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for California driver's license. Eligible for federally recognized driver's license and ID.	Eligible for California driver's license. Eligible for federally recognized driver's license and ID upon receipt of HHS certification or eligibility letter.	Eligible for California driver's license. Eligible for federally recognized driver's license and ID upon receipt of	Eligible for California driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for California driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for California driver's license.	Eligible for California driver's license.

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<u>Driver's License</u>				work authorization.				
<u>Professional and Occupational Licenses</u>	California grants professional and occupational licenses to all persons who are eligible without regard to immigration status and allows applicants to provide either an Individual Taxpayer Identification Number (ITIN) or a Social Security Number (SSN) and prohibits the denial of a license or certificate solely on the basis of citizenship or immigration status.							
<u>Income Tax Credit</u>	Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 or who care for a spouse or other individual unable to physically or mentally care for themselves are eligible to claim a child or dependent tax credit on their income taxes.							
<u>Earned Income Tax Credit (EITC)</u>	Eligible with conditions upon receipt of work authorization.	Eligible with conditions upon receipt of work authorization.	Eligible with conditions upon receipt of work authorization.	Eligible with conditions upon receipt of work authorization.	Eligible with conditions upon receipt of work authorization.	Eligible with conditions upon receipt of work authorization.	Not eligible.	Not eligible.
FEMA AND UNEMPLOYMENT INSURANCE								
<u>Federal Emergency Management Agency (FEMA)</u>	Eligible for disaster relief. Eligible upon prima facie determination for food, unemployment and other FEMA assistance.	Eligible for disaster relief. Eligible for food, unemployment and other FEMA assistance.	Eligible for disaster relief. Eligible upon receipt of HHS determination or eligibility letter for food, unemployment and other FEMA assistance.	Eligible for disaster relief.	Eligible for disaster relief. Eligible upon receipt of lawful permanent residency for food, unemployment and other FEMA assistance.	Eligible for disaster relief. Eligible upon receipt of lawful permanent residency for food, unemployment and other FEMA assistance.	Eligible for disaster relief.	Eligible for disaster relief.
<u>Unemployment* Insurance</u>	Eligible upon receipt of work authorization.	<u>Refugees:</u> Eligible upon receipt of work authorization. <u>Asylees:</u> Eligible upon receipt of work authorization.	Eligible upon receipt of work authorization.	Eligible upon receipt of work authorization.	Eligible upon receipt of work authorization.	Eligible upon receipt of work authorization.	Not eligible.	Not eligible.

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<u>Unemployment Insurance</u> *		T Visa: Eligible upon receipt of bona fide determination with work authorization.						
*To be eligible for unemployment insurance, each class of immigrant must have had prior work authorization and had to have been working with the authorization at the time they applied for unemployment. Work authorization must remain valid while they receive unemployment and if work authorization expires, then so does the eligibility for unemployment.								

¹ Catherine Longville & Leslye E. Orloff, *Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status*, National Immigrant Women's Advocacy Project (July 23, 2015), <https://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants>.

² Battered Spouse Waiver (BSW) applicants/recipients have the same eligibility for public benefits purposes as VAWA self-petitioners. BWS victims are eligible either as conditional permanent residents if they still have that status and/or are or continue to be eligible once they file their battered spouse waiver application. Battered spouse waiver applicants have greater benefits access than conditional and lawful permanent residents because they have access to exemptions from deeming and have access to benefits that are only available to battered immigrants.

³ Afghans granted humanitarian parole between July 31, 2021, and September 30, 2022 - and their spouses and children, and parents or guardians of unaccompanied children granted parole after September 30, 2022 - also are eligible for federal benefits to the same extent as refugees. Eligibility for this group continues until March 31, 2023, or the end of their parole term, whichever is later. Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43 (Sept. 30, 2021). Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2023 - and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2023 - are eligible for federal benefits to the same extent as refugees. Department of Homeland Security, President Biden to Announce Uniting For Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing the Russian Invasion of Ukraine. (April 21, 2022) <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>

⁴ Some households, depending on the immigration status of its residents, may qualify for the Low-Income Housing Tax Credit; see [Access to State-Funded Public Benefits in California for Survivors](#) to determine whether the immigrant or family members may be eligible. For more information on LIHTC see <https://www.vawahome.com/>.