

Toolkit: Access to Georgia TANF for VAWA Self-Petitioners

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If your client is in need of public assistance and is a VAWA self-petitioner, she is eligible for Georgia TANF, regardless of her date of entry.

Policy

In Georgia, qualified immigrants are eligible for state funded TANF and are not subject to the five-year bar. VAWA self-petitioners are included in the definition of qualified immigrants.

Statutory & Regulatory Support

If you or your client is informed that VAWA self-petitioners are ineligible for TANF, or are informed there is a five-year bar, use the following sources to support your case:

1. Implementing Policy Based on Statute and Regulations: Georgia State's TANF Renewal Plan (2016), see page 31¹
 - The plan states that qualified immigrants who are not eligible for federally funded TANF solely because of their date of entry, will be covered by state funds.
2. Statutes:
 - *Ga. Code Ann. § 49-4-188*: Pursuant to this current statute, “qualified aliens” are defined in the same meaning of Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Public Law 104-193. Thus, VAWA- Self Petitioners are considered qualified immigrants and are eligible for assistance under the Georgia TANF Program. The statute is good through the 2018 legislative session.
 - *Ga. Code Ann. § 49-1-2*: All counties are bound to comply with GA HHS regulations.
3. Regulations: Ga. Comp. R. & Regs. 290-2-28-.16 (2)
 - The GA HHS regulation states, “Qualified aliens who arrived in the United States on or after August 22, 1996, if otherwise eligible, shall be eligible for TANF assistance until July 1, 1998, unless such period is extended by the Georgia General Assembly.” As reflected by *Ga. Code Ann. § 49-4-188*, the provision has been extended and is still valid.

If you have further questions or need additional support on Georgia TANF for VAWA self-petitioners, contact NIWAP at 202-274-4457 or by email at info@niwap.org.

¹ GA DIV. OF FAM. & CHILD. SERVS., in *Georgia's State Plan Renewal Temporary Assistance for Needy Families*, 31 (31 Oct. 2016), https://dfcs.georgia.gov/sites/dfcs.georgia.gov/files/related_files/site_page/Ga%20State%20Plan%20Renewal%202016-2017.pdf.