



New York Public Benefits Screening Chart for Immigrant Survivors by Forms of Immigration Relief¹

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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 New Jersey 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 New York for Survivors, Based on Immigration Status](https://niwaplibrary.wcl.american.edu/pubs/new-york-benefits), available at: <https://niwaplibrary.wcl.american.edu/pubs/new-york-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 STATE FUNDED BENEFITS to certain groups of immigrants in the following benefits programs: TANF, TANF-funded child care, Purchase of Health Insurance, Child Health Insurance, Medicaid, Prenatal and postpartum care, Post-secondary education in-state tuition and financial aid, state Driver's License, and Professional and Occupational licenses and Bar admission for DACA recipients.
- Impose MORE RESTRICTIONS on immigrant access to federal public benefits: Not applicable.

¹ © National Immigrant Women's Advocacy Project, American University, Washington College of Law 2021. This publication was developed under grant number SJI-20-E-0054 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

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>	Eligible for TANF with conditions upon prima facie determination. In NY, eligible with prima facie determination for Safety Net Assistance (SNA).	Eligible for TANF.	Eligible for TANF with HHS certification or eligibility letter.	In NY, DACA recipients eligible or Safety Net Assistance (SNA).	Eligible for TANF with conditions upon receipt of lawful permanent residency. In NY, SIJS applicants eligible or Safety Net Assistance (SNA).	Eligible for TANF with conditions upon receipt of lawful permanent residency. In NY, U visa holders and applicants with bona fide determinations or waitlist approval eligible or Safety Net Assistance (SNA).	In NY, U visa applicants eligible for Safety Net Assistance (SNA).	Not eligible.
<u>Child Care Funded by TANF and the Child Care Development Fund (CCDF)</u>	Eligible for CCDF. In NY, eligible with prima facie determination for TANF funded child. In, New York City eligible for EarlyLearn NYC.	<u>Refugee/Asylee:</u> Eligible for CCDF and TANF funded child care. <u>T visa:</u> Eligible for CCDF and eligible for TANF funded childcare with HHS certification or eligibility letter. In, New York City eligible for EarlyLearn NYC.	Eligible for CCDF. Eligible for TANF funded child care with HHS certification or eligibility letter. In, New York City eligible for EarlyLearn NYC.	Eligible for CCDF. In, New York City eligible for EarlyLearn NYC.	Eligible for CCDF. In NY, when eligible for TANF eligible for TANF funded child care. In, New York City eligible for EarlyLearn NYC.	Eligible for CCDF. In NY, when eligible for TANF eligible for TANF funded child care. In, New York City eligible for EarlyLearn NYC.	Eligible for CCDF. In, New York City eligible for EarlyLearn NYC.	Eligible for CCDF. In, New York City eligible for EarlyLearn NYC.
<u>Supplemental Security Income (SSI)</u>	Eligible with conditions upon prima facie determination.	Eligible during first 7 years after status is granted.	Eligible with conditions upon receipt of HHS certification or eligibility letter during first 7 years after status is granted.	Not eligible.	Eligible with conditions upon lawful permanent residency.	Eligible with conditions upon lawful permanent residency.	Not eligible.	Not eligible.

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Supplemental Nutrition Assistance Program (SNAP)	Eligible with conditions upon prima facie determination.	Eligible.	Eligible with HHS certification or eligibility letter.	Not eligible.	Eligible with conditions upon obtaining lawful permanent residency.	Eligible with conditions upon obtaining lawful permanent residency.	Not eligible.	Not eligible.
Nutrition Program: For Women, Infants & Children (WIC)	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
HEALTHCARE								
Emergency Medicaid	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
Health Insurance Exchanges	<p>Eligible with prima facie determination.</p> <p>In NY, if under 130% federal poverty level (FLP) VAWA self-petitioners with prima facie determinations are eligible for the Basic Health Program.</p> <p>All persons eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p><u>Refugee:</u> Eligible.</p> <p><u>Asylee:</u> Eligible upon receipt of work authorization or 6 months after filing for asylum for children under age 14.</p> <p><u>T visa:</u> Eligible with HHS certification or eligibility letter.</p> <p>In NY, if under 130% FLP eligible for the Basic Health Program. Also eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p> <p>All persons eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p>Eligible with HHS certification or eligibility letter.</p> <p>In New York, if under 130% FLP trafficking victims with HHS certification or eligibility letters are eligible for the Basic Health Program.</p> <p>All persons eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p>Not eligible.</p> <p>In New York, eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p>Eligible upon filing SIJS application.</p> <p>In New York, if under 130% FLP SIJS applicants eligible for the Basic Health Program.</p> <p>All persons eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p>Eligible upon U visa bona fide determination, wait list approval or U visa.</p> <p>In New York, if under 130% FLP U visa holders and applicants with prima facie determinations or waitlist approvals are eligible for the Basic Health Program.</p> <p>All persons eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p>Not eligible.</p> <p>In New York, eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>	<p>Not eligible.</p> <p>In New York, eligible for “Healthy NY” as a working individual, a sole proprietor or a small employer.</p>

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<u>Medicaid</u>	In NY, eligible with prima facie determination for NY state Medicaid. Starting March 1, 2023 if 65+ eligible without regard to immigration status for NY funded comprehensive health care.	Eligible. Starting March 1, 2023 if 65+ eligible without regard to immigration status for NY funded comprehensive health care.	Eligible with HHS certification or eligibility letter. Starting March 1, 2023 if 65+ eligible without regard to immigration status for NY funded comprehensive health care.	In NY, DACA applicants and DACA recipients are eligible for NY state Medicaid.	Eligible with lawful permanent residency with conditions for Medicaid. In NY, SIJS applicants and SIJS recipients and SIJS lawful permanent residents are eligible for NY state Medicaid.	Eligible with lawful permanent residency with conditions for Medicaid. In NY, U visa holders and U visa applicants with bona fide determinations or waitlist approvals and U visa lawful permanent residents are eligible for NY state Medicaid. A Starting March 1, 2023 if 65+ eligible without regard to immigration status for NY funded comprehensive health care.	In NY, U visa applicants are eligible for NY state Medicaid. Starting March 1, 2023 if 65+ eligible without regard to immigration status for NY funded comprehensive health care.	Starting March 1, 2023 if 65+ eligible without regard to immigration status for NY funded comprehensive health care.
<u>Prenatal Care</u>	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.	In NY, eligible for prenatal care and as of March 1, 2023 up to 12 months postpartum care regardless of immigration status.
<u>Children's Health Insurance Program (CHIP)</u>	In NY, up to age 19 eligible with prima facie determination for Child Health Plus.	Eligible. Also in NY, all children eligible for Child Health Plus without regard to immigration status.	Eligible with HHS certification or eligibility letter. Also in NY, all children eligible for	In NY, eligible upon filing for Child Health Plus.	Eligible with lawful permanent residency with conditions for Child Health Plus.	Eligible with lawful permanent residency with conditions for Child Health Plus.	In NY, all children eligible for Child Health Plus without regard to	In NY, all children eligible for Child Health Plus without regard to

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CHIP	Also in NY, all children eligible for Child Health Plus without regard to immigration status. After age 19, eligible with prima facie determination for New York-funded medical assistance.		Child Health Plus without regard to immigration status.	Also in NY, all children eligible for Child Health Plus without regard to immigration status. After age 19, DACA recipients remain eligible for NY state Medicaid.	Also in NY, all children eligible for Child Health Plus without regard to immigration status. After age 19, SIJS recipients including those with lawful permanent residency remain eligible for NY state Medicaid.	Also in NY, all children eligible for Child Health Plus without regard to immigration status.	immigration status.	immigration status.
<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.							
Family Medical Leave Act – State Law	Missouri has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.							
HOUSING AND WEATHERIZATION								
<u>Public & Assisted Housing and Low Income Tax Credit Housing</u> ⁴	Eligible upon filing. In NY may be eligible to live in Low Income Housing Tax Credit property.	Eligible. In NY may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon HHS certification or eligibility letter. In NY may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In NY may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In NY may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In NY may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In NY may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In NY may be eligible to live in Low Income Housing Tax Credit property.

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Emergency Shelter, Transitional Housing, Health, and Life and Safety Services	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)	Eligible for WAP if living in multi-family dwellings. Eligible for LIHEAP with conditions upon prima facie determination.	WAP if living in multi-family dwellings. Eligible for LIHEAP.	WAP if living in multi-family dwellings. Eligible for LIHEAP with conditions upon receipt of HHS certification or eligibility letter.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings. Eligible with conditions for LIHEAP upon receiving lawful permanent residency.	WAP if living in multi-family dwellings. Eligible with conditions for LIHEAP upon receiving lawful permanent residency.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.
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 its post-secondary level, New York allows payment of SUNY or CUNY tuition for nonresident students to not exceed tuition rates of resident students. Students who completed two or more years in a New York State high school or obtained a New York State GED are eligible for state financial aid, tuition reductions and scholarships, regardless of their immigration status and ITIN filers are allowed to establish family tuition accounts. Grants access to state financial aid, scholarships or other assistance for students who meet certain criteria, regardless of their immigration status. “New York is Home Act” grants state citizenship, state identification card to individuals who have lived in NY for at least three years, paid taxes and meet other conditions; eligible for professional licenses, student financial aid, loans, and award, regardless of their immigration status. New York established an appeals process for students who have been denied in-state tuition rates, regardless of immigration statuses.</p>								

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LEGAL SERVICES, DRIVER'S LICENSES, AND EARNED INCOME TAX CREDITS								
<u>Legal Services</u>	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.
<u>Driver's License</u>	Eligible for NY driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for NY driver's license. Eligible for federally recognized driver's license and ID.	Eligible for NY driver's license. Eligible for federally recognized driver's license and ID upon receipt of HHS certification or eligibility letter.	Eligible for NY driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for NY driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for NY driver's license. Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for NY driver's license.	Eligible for NY driver's license.
<u>Professional & Occupational Licenses</u>	New York authorizes DACA recipients with work authorization to obtain professional and occupational licenses in New York including teaching certificates. DACA recipients are also eligible to be admitted to the New York Bar. No other state laws or policies address access by other immigrants to professional or occupational licenses including whether or not work authorization is sufficient or required.							
<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.							

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<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. <u>T Visa:</u> Eligible upon receipt of bona fide determination with 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.
*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 New York for Survivors](#) to determine whether the immigrant or family members may be eligible. For more information on LIHTC see <https://www.vawahome.com/>.