

Public Benefits for U Visa Applicants¹

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Among the forms² of immigration relief designed to offer protection for immigrant crime victims, the U visa comes with the least access to federal and state funded public benefits. This tool has been developed to help advocates and attorneys working with immigrant victims considering, pursuing or who have received U visas determine which state public benefits U visa victims can access at which stage of their U visa case process. The benefits some states have chosen to offer to U visa victims are available in addition to their eligibility for the publically funded life and safety services that are open to all undocumented immigrants.³

Temporary Assistance to Needy Families (TANF):

Temporary Assistance to Needy Families (TANF) is a federal program that provides states with funds for distribution to families in need. States can allocate their TANF funds to a variety of services, including income assistance, childcare, education, job training, and transportation. TANF assistance to immigrant populations, particularly to individuals seeking to obtain legal status through U visas, is often restricted. The following states offer some TANF assistance to individuals pursuing U visa status:

- **California:** U visa applicants and holders
- **Maine:** U visa applicants as PRUCOL⁴
- **Maryland:** waitlist approved U visa applicants and holders as lawfully present
- **New Jersey:** U visa applicants who were PRUCOL before August 22, 1996⁵
- **New York:** U visa applicants as PRUCOL
- **Oregon:** U visa applicants and holders (domestic violence victims regardless of status)
- **Pennsylvania:** U visa applicants as PRUCOL
- **Washington:** waitlist approved U visa applicants as lawfully present

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² Trafficking victims receiving continued presence or pursuing T visas have the most access to federal and state public benefits, followed by child victims of abuse, abandonment or neglect filing Special Immigrant Juvenile Petitions and victims of spouse or child abuse with pending VAWA self-petitions, VAWA cancellation of removal or VAWA suspension of deportation applications. U visa recipients must receive lawful permanent residency before they become eligible to receive federal public benefits and federal means tested public benefits. Upon receipt of lawful permanent residency, U visa victims and their children will be eligible for some federally funded public benefits (e.g. education and housing), child U visa recipients will be eligible for food stamps and U visa applicants will need to wait for 5 years to receive access to federal means tested public benefits (e.g. TANF, subsidized health care)

³ Catherine Longville and Leslye E. Orloff, Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status (May 22, 2014) available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/materials-for-adjudicators-and-judges/tools-for-courts/benefits/Programsopentoallimmigrants.pdf/view>

⁴ Permanent Residents Under Color of Law (PRUCOL) hold a recognized immigration status under United States law that often grants them eligibility for certain public benefits. This status stipulates that an immigrant is residing in the United States with the knowledge and permission of the Department of Homeland Security, who do not have the intention to remove the individual from the United States. U-Visa applicants qualify as PRUCOL because DHS is aware of their residence, and do not have the intention to remove them pending processing of their application.

⁵ It is important to interview clients who were over age 19 (in 2015) to determine when they first arrived in the United States. If a client first entered the United States as a child before 1996, once they file their U visa application they meet the requirements for PRUCOL and they qualify to receive benefits in states that provide benefits only to PRUCOL immigrants who entered before 1996.

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Post-Assault Health Care:

Post-assault health care for survivors of domestic violence and/or sexual assault can include compensation for certain medical expenses (including STI and pregnancy tests), counselling, funerals, loss of wages, replacement, relocation, and some other miscellaneous costs associated with the assault. Currently, all states offer some Victims of Crime Act (VOCA) funded post-assault health care to survivors of domestic violence and/or sexual assault regardless of status, *except* Alabama and Nevada.

Food Programs

Many immigrants are not eligible for the federally funded Supplemental Nutrition Assistance Program (formerly known as the Food Stamp Program). Consequently, a few states have developed state-funded food programs for which immigrants may be eligible. The following states offer food programs to individuals pursuing U visa status:

- **California:** U visa applicants and holders
- **Washington:** U visa applicants as PRUCOL, and waitlist approved U visa applicants and holders as lawfully present

In-State Tuition Rates

Some states offer in-state tuition rates for certain undocumented students. U visa applicants and children applying for U visas based on criminal activity against a parent may also qualify for in-state tuition under state law. While the requirements for eligibility of in-state tuition rates differ, generally a student must (a) have lived in and attended high school in state for 1-4 years, (b) have graduated high school or received a GED, (c) have been accepted into a public college or university, and (d) provide a signed affidavit expressing intent to file for lawful status. The following states offer in-state tuition rates to individuals who may be pursuing U visa status: California, Colorado, Connecticut, Florida, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, North Carolina, Oregon, Rhode Island, Texas, Utah, Virginia, Washington, Hawaii, Kansas.⁶

Supplemental Security Income

Two states offer state-funded cash assistance programs for individuals who do not qualify for the federally-funded Supplemental Security Income, particularly due to their immigration status. The cash assistance offered in these programs is usually slightly less than the federally-funded program. The following states offer some cash assistance for individuals pursuing U visa status:

- **California:** U visa applicants and holders
- **Maine:** U visa applicants as PRUCOL

Child Care

There are sources of federal funding for child care – TANF and the Child Care Development Fund (CCDF). U visa victims only qualify for TANF funded child care if they qualify for TANF in their state. (See discussion above). However, U visa victims and all immigrants, regardless of status or state of residency, are eligible for child care under the federally-funded CCDF when (a) child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays, (b) child care is subject to Head Start performance standards, or (c) eligibility for child care services is determined by a nonprofit charitable organization.

⁶ For a list of requirements by states go to <http://niwap.org/benefitsmap>.