



## South Carolina Public Benefits Screening Chart for Immigrant Survivors by Forms of Immigration Relief<sup>1</sup>

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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 South Carolina 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 South Carolina for Survivors, Based on Immigration Status](https://niwaplibrary.wcl.american.edu/pubs/south-carolina-benefits), available at: <https://niwaplibrary.wcl.american.edu/pubs/south-carolina-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.<sup>1</sup> 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: Child Health Insurance Program (CHIP) and Prenatal care and full-scope health care while pregnant.
- Impose MORE RESTRICTIONS on immigrant access to federal public benefits: TANF, TANF-funded child care, Medicaid and denies enrollment in state post-secondary educational institutes to immigrants who are not lawfully present.

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PROGRAM	VAWA Self Petitioner and Battered Spouse Waiver <sup>2</sup>	Refugees, <sup>3</sup> 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
<b>CASH &amp; NUTRITION ASSISTANCE, AND CHILDCARE</b>								
<a href="#"><u>Temporary Assistance for Needy Families (TANF) (Cash Assistance)</u></a>	In SC, eligible with conditions upon obtaining lawful permanent residency which may include accruing 40 quarters of work credit.	In SC, eligible with conditions limited to 5 years after obtaining status.	In SC, Eligible with conditions upon HHS certification or eligibility letter limited to 5 years after obtaining status.	Not eligible.	In SC, eligible with conditions upon obtaining lawful permanent residency which may include accruing 40 quarters of work credit.	In SC, eligible with conditions upon obtaining lawful permanent residency which may include accruing 40 quarters of work credit.	Not eligible.	Not eligible.
<a href="#"><u>Child Care Funded by TANF and the Child Care Development Fund (CCDF)</u></a>	Eligible for CCDF.  In SC, eligible for TANF-funded child care upon lawful permanent residency when eligible for TANF.	<u>Refugee/Asylee:</u> Eligible for CCDF and Eligible with conditions for TANF funded child care when eligible for TANF  <u>T visa:</u> Eligible for CCDF and Eligible for TANF funded child care with HHS certification or eligibility letter when eligible for TANF.	Eligible for CCDF.  Eligible for TANF funded child care with HHS certification or eligibility letter when eligible for TANF.	Eligible for CCDF.	Eligible for CCDF.  In SC, eligible for TANF funded child care with conditions upon obtaining lawful permanent residency when eligible for TANF.	Eligible for CCDF.  In SC, eligible for TANF funded child care with conditions upon obtaining lawful permanent residency when eligible for TANF.	Eligible for CCDF.	Eligible for CCDF.
<a href="#"><u>Supplemental Security Income (SSI)</u></a>	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.	Not eligible.	Eligible with conditions upon lawful permanent residency.	Eligible with conditions upon lawful permanent residency.	Not eligible.	Not eligible.
<a href="#"><u>Supplemental Nutrition Assistance Program (SNAP)</u></a>	Eligible with conditions upon prima facie determination.	<u>Eligible.</u>	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.

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<a href="#">Nutrition Program: For Women, Infants &amp; Children (WIC)</a>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<b>HEALTHCARE</b>								
<a href="#">Emergency Medicaid</a>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<a href="#">Health Insurance Exchanges</a>	Eligible with prima facie determination.	<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>	Eligible with HHS certification or eligibility letter.	Not eligible.	Eligible upon filing SIJS application.	Eligible upon U visa bona fide determination or wait list approval or U visa.	Not eligible.	Not eligible.
<a href="#">Medicaid</a>	In SC, eligible with conditions upon lawful permanent residency which may include accruing 40 quarters of work credit.	In SC, eligible with conditions limited to 7 years after attaining status. Exception for those who are granted lawful permanent residency and have 40 quarters of work credit.	In SC, eligible with HHS certification or eligibility letter with conditions limited to 7 years after attaining status. Exception for those who are granted lawful permanent residency and have 40 quarters of work credit.	Not eligible.	In SC, eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit.	In SC, eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit.	Not eligible.	Not eligible.

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<a href="#"><u>Prenatal Care</u></a>	In SC, if pregnant eligible upon prima facie determination for prenatal and full-scope healthcare.	In SC, pregnant refugees, asylees, and T visa recipients eligible for prenatal care and full-scope healthcare.	In SC, if pregnant eligible with HHS certification or eligibility letter for prenatal care and full-scope healthcare.	Not eligible.	In SC, if pregnant SIJS applicants and recipients are eligible for prenatal care and full-scope healthcare.	In SC, if pregnant U visa holders and bona fide determinations or waitlist approvals are eligible for prenatal care and full-scope healthcare.	Not eligible.	Not eligible.
<a href="#"><u>Children's Health Insurance Program (CHIP)</u></a>	In SC, eligible up to age 19 with prima facie determination.  After age 19 eligible with conditions upon lawful permanent residency which may include accruing 40 quarters of work credit.	In SC, eligible up to age 19.  After age 19 eligible with conditions limited to 7 years after attaining status. Exception for those who are granted lawful permanent residency and have 40 quarters of work credit.	In SC, eligible up to age 19 with HHS certification or eligibility letter.  After age 19 eligible with HHS certification or eligibility letter with conditions limited to 7 years after attaining status. Exception for those who are granted lawful permanent residency and have 40 quarters of work credit.	Not eligible.	Eligible up to age 19 upon filing for SIJS.  After age 19 eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit.	Eligible up to age 19 if a U visa holder or with bona fide determination or waitlist approval.  After age 19 eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit.	Not eligible.	Not eligible.
<a href="#"><u>Victims of Crime Act (VOCA) Compensation</u></a>	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.							
<a href="#"><u>Family Medical Leave Act – State Law</u></a>	South Carolina has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.							

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<b>HOUSING AND WEATHERIZATION</b>								
<a href="#"><u>Public &amp; Assisted Housing and Low Income Tax Credit Housing<sup>4</sup> (LIHTC)</u></a>	Eligible upon filing.  In SC, may be eligible to live in Low Income Housing Tax Credit property.	Eligible.  In SC, may be eligible to live in Low Income Housing Tax Credit property.	Eligible with HHS certification or eligibility letter.  In SC, may also be eligible to live in Low Income Housing Tax Credit property.	Eligible.  In SC, may be eligible to live in Low Income Housing Tax Credit property.	Eligible with conditions or upon receiving lawful permanent residency.  In SC, may be eligible to live in Low Income Housing Tax Credit property.	Eligible with conditions or upon receiving lawful permanent residency.  In SC, may be eligible to live in Low Income Housing Tax Credit property.	Eligible with conditions.  In SC, may be eligible to live in Low Income Housing Tax Credit property.	Eligible with conditions.  In SC, may be eligible to live in Low Income Housing Tax Credit property.
<a href="#"><u>Emergency Shelter, Transitional Housing, Health, and Life and Safety Services</u></a>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<a href="#"><u>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</u></a>	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 for LIHEAP upon receiving lawful permanent residency.	WAP if living in multi-family dwellings.  Eligible for LIHEAP upon receiving lawful permanent residency.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.
<b>EDUCATION</b>								
<a href="#"><u>Federal Education</u></a>	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.

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<a href="#">State Education</a>	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.</p> <p><i>At its public postsecondary institutions, South Carolina only allows in-state tuition rates and access to institutional aid or scholarships for immigrant students with “lawful presence.” To prove lawful presence, applicants will need to submit a Permanent Resident Card, current Visa documentation, and any other documents providing lawful status (a driver’s license is not sufficient). All documentation will be verified through the Systematic Alien Verification for Entitlements (SAVE) program. VAWA self-petitioners, T visa holders and trafficking victims with HHS certification or eligibility letters will qualify but may need secondary verification in the SAVE system.</i></p> <p><i>At its public postsecondary institutions, South Carolina does not allow in-state tuition rates and access to institutional aid or scholarships for immigrant students. Additionally, South Carolina does not allow undocumented students or any other immigrants who are not considered s “not lawfully present” as defined by South Carolina described above, to enroll in any of its public postsecondary education institutions.</i></p>								
<b>LEGAL SERVICES, DRIVER’S LICENSES, AND EARNED INCOME TAX CREDITS</b>								
<a href="#">Legal Services</a>	<p>Eligible for Legal Services Corporation (LSC)-funded legal services with conditions and fully eligible when victims file for lawful permanent residency.</p> <p>Eligible for VAWA funded legal services.</p>	<p>Eligible for all LSC funded legal services.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.</p>	<p>Eligible for LSC funded legal services when they receive HHS certification or eligibility letter.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.</p>	<p>May be eligible if victims of abuse for LSC funded legal services with conditions.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.</p>	<p>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.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.</p>	<p>Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.</p>	<p>Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for</p>	<p>May be eligible if victims of abuse for LSC funded legal services with conditions.</p> <p>Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.</p>

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<a href="#">Legal Services</a>							VAWA funded legal services.	
<a href="#">Driver's License</a>	Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for federally recognized driver's license and ID.	Eligible for federally recognized driver's license and ID upon receipt of HHS certification or eligibility letter.	Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Eligible for federally recognized driver's license and ID for upon receipt of work authorization.	Eligible upon receipt of work authorization.	Not eligible.	Not eligible.
<a href="#">Professional &amp; Occupational Licenses</a>	No state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.							
<a href="#">Income Tax Credit</a>	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.							
<a href="#">Earned Income Tax Credit (EITC)</a>	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.
<b>FEMA AND UNEMPLOYMENT INSURANCE</b>								
<a href="#">Federal Emergency Management Agency (FEMA)</a>	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 upon receipt of lawful permanent residency for food, unemployment and other FEMA assistance.	Eligible for disaster relief.

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<a href="#"><u>Unemployment Insurance</u></a>	Eligible upon receipt of work authorization.	<u>Refugees/Asylees:</u> Eligible upon receipt of work authorization.  <u>T Visa:</u> Eligible upon receipt of prima facie determination and work authorization.	Eligible upon receipt of a prima facie determination.	Eligible upon receipt of work authorization.	Eligible upon receipt of lawful permanent residence and work authorization.	Eligible upon receipt of lawful permanent residence and 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.								

<sup>1</sup> 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>.

<sup>2</sup> 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.

<sup>3</sup> 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).

<sup>4</sup> 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 South Carolina for Survivors](#) to determine whether the immigrant or family members may be eligible. For more information on LIHTC see <https://www.vawahome.com/>.