



Texas 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 Texas 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 Texas for Survivors, Based on Immigration Status](#), available at: <https://niwaplibrary.wcl.american.edu/pubs/texas-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: Child Health Insurance Program (CHIP), Prenatal care, Post-secondary education in-state tuition and financial aid and disaster assistance.
- Impose MORE RESTRICTIONS on immigrant access to federal public benefits: TANF, TANF-funded Childcare, SNAP and Medicaid (imposes post-5 year 40 quarter requirement on some immigrants, exempts battered immigrants).

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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 TX, eligible with conditions upon obtaining lawful permanent residency which may include accruing 40 quarters of work credit.	In TX, eligible with conditions limited to 5 years after obtaining status.	In TX, Eligible with conditions upon HHS certification or eligibility letter limited to 5 years after obtaining status.	Not eligible.	In TX, eligible with conditions upon obtaining lawful permanent residency which may include accruing 40 quarters of work credit.	In TX, eligible with conditions upon obtaining lawful permanent residency which may include accruing 40 quarters of work credit.	Not eligible.	Not eligible.
<u>Child Care Funded by TANF and the Child Care Development Fund (CCDF)</u>	Eligible for CCDF. In TX, eligible for TANF-funded child care with conditions 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 TX, eligible for TANF funded child care with conditions upon obtaining lawful permanent residency when eligible for TANF.	Eligible for CCDF. In TX, eligible for TANF funded child care with conditions upon obtaining lawful permanent residency when eligible for TANF.	Eligible for CCDF.	Eligible for CCDF.
<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.	Not eligible.	Eligible with conditions upon lawful permanent residency.	Eligible with conditions upon lawful permanent residency.	Not eligible.	Not eligible.

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<u>Supplemental Nutrition Assistance Program (SNAP)</u>	In TX, eligible with conditions with prima facie determination. TX imposes 5 year bar and 40 quarters work credit. Exempts: children, disabled and battered immigrants.	Eligible.	Eligible with conditions with HHS certification or eligibility letter.	Not eligible.	In TX, eligible with conditions upon obtaining lawful permanent residency. TX imposes 5-year bar and 40 quarters work credit. Exempts: children, disabled and battered immigrants.	In TX, eligible with conditions upon obtaining lawful permanent residency. TX imposes 5-year bar and 40 quarters work credit. Exempts: children, disabled and battered immigrants.	Not eligible.	Not eligible.
<u>Nutrition Program: For Women, Infants and Children (WIC)</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
HEALTHCARE								
<u>Emergency Medicaid</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<u>Health Insurance Exchanges</u>	Eligible with prima facie determination.	<u>Refugee:</u> Eligible. <u>Asylee:</u> Eligible upon receipt of work authorization or 6 months after filing for asylum for children under age 14. <u>T visa:</u> Eligible with HHS certification or eligibility letter.	Eligible with HHS certification or eligibility letter.	Not eligible.	Eligible upon filing SIJS application.	Eligible upon U visa bona fide determination, wait list approval or U visa.	Not eligible.	Not eligible.

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<u>Medicaid</u>	In TX, eligible with conditions with prima facie determination. Battered immigrants exempt from the post 5-year bar 40 quarters of work credit requirement.	In TX, 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 TX, 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 TX, eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit. If battered immigrants exempt from the post 5-year bar 40 quarters of work credit requirement.	In TX, eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit. If battered immigrants exempt from the post 5-year bar 40 quarters of work credit requirement.	Not eligible.	Not eligible.
<u>Prenatal Care</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<u>Children's Health Insurance Program (CHIP)</u>	In TX, Eligible with conditions up to age 19 upon prima facie determination. After age 19 in TX, eligible with conditions with prima facie determination. Battered immigrants exempt from the post 5 year bar 40 quarters of work credit requirement.	In TX, refugees, asylees, and T visa holders eligible with conditions 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 TX, eligible with conditions with HHS certification or eligibility letter 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	Not eligible.	Eligible up to age 19 upon filing. After age 19 in TX, eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit. If battered immigrants exempt from the post 5-year bar 40 quarters of work credit requirement.	Eligible up to age 19 with conditions upon lawful permanent residency. After age 19 in TX, eligible with conditions upon lawful permanent residency and which may include accruing 40 quarters of work credit. If battered immigrants exempt from the	Not eligible.	Not eligible.

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(CHIP)			have 40 quarters of work credit.			post 5-year bar 40 quarters of work credit requirement.		
Victims of Crime Act (VOCA) Compensation	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 and Medical Leave Act	Texas has no state Family and Medical Leave Act.							
HOUSING AND WEATHERIZATION								
Public & Assisted Housing and Low Income Tax Credit Housing⁴	Eligible upon filing. In TX may be eligible to live in Low Income Housing Tax Credit property.	Eligible. In TX may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon HHS certification or eligibility letter. In TX may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In TX may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In TX may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In TX may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In TX may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In TX may be eligible to live in Low Income Housing Tax Credit property.
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	Eligible for WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings. Eligible for LIHEAP.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.

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Assistance Program (LIHEAP)	Eligible for LIHEAP with conditions upon prima facie determination.		Eligible for LIHEAP with conditions upon receipt of HHS certification or eligibility letter.		Eligible with conditions for LIHEAP upon receiving lawful permanent residency.	Eligible with conditions for LIHEAP upon receiving lawful permanent residency.		
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><i>At its public postsecondary institutions, Texas allows in-state tuition rates and access to institutional aid or scholarships for eligible students, regardless of immigration status. To receive in-state tuition, as of the date of graduating high school or receiving an equivalent degree, the student must have attended school in the state for at least three years while residing with a parent or guardian in the state. Immigrant students who are not lawful permanent residents must provide an affidavit promising to apply to become a lawful permanent resident at the earliest opportunity.</i></p>							
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 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	May be eligible if victims of abuse for LSC funded legal services with conditions. Victims of domestic, sexual, or dating violence, or stalking	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.	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Victims of domestic, sexual,	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Victims of domestic, sexual,	May be eligible if victims of abuse for LSC funded legal services with conditions. Victims of domestic, sexual, or dating violence, or stalking

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<u>Legal Services</u>	Eligible for VAWA funded legal services.		for VAWA funded legal services.	eligible for VAWA funded legal services.	Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	or dating violence, or stalking eligible for VAWA funded legal services.	or dating violence, or stalking eligible for VAWA funded legal services.	eligible for VAWA funded legal services.
<u>Driver's License</u>	Eligible for federally recognized driver's license and ID upon receipt of work authorization and a social security number.	Eligible for federally recognized driver's license and ID with social security number.	Eligible for federally recognized driver's license and ID upon receipt of HHS certification or eligibility letter and a social security number.	Eligible for federally recognized driver's license and ID upon receipt of work authorization and a social security number.	Eligible for federally recognized driver's license and ID upon receipt of work authorization and a social security number.	Eligible for federally recognized driver's license and ID upon receipt of work authorization and a social security number.	Not eligible.	Not eligible.
<u>Professional and Occupational Licenses</u>	Texas has no state laws or policies regarding immigrant access 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.							
<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</u>	Eligible for disaster relief. Eligible upon prima facie	Eligible for disaster relief. Eligible for food, unemployment and	Eligible for disaster relief. Eligible upon receipt of HHS	Eligible for disaster relief.	Eligible for disaster relief. Eligible upon receipt of lawful	Eligible for disaster relief. Eligible upon receipt of lawful	Eligible for disaster relief.	Eligible for disaster relief.

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<u>Management Agency (FEMA)</u>	determination for food, unemployment and other FEMA assistance. Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.	other FEMA assistance. Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.	determination or eligibility letter for food, unemployment and other FEMA assistance. Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.		permanent residency for food, unemployment and other FEMA assistance. Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.	permanent residency for food, unemployment and other FEMA assistance. Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.		
<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 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).

⁴ Some households, depending on the immigration status of its residents, may qualify for the Low-Income Housing Tax Credit; see Public Benefits in Texas for Survivors <https://niwaplibrary.wcl.american.edu/pubs/texas-benefits> to determine whether the immigrant or family members may be eligible. For more information on LIHTC see <https://www.vawahome.com/>.