

**Virginia 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 Virginia 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 Virginia for Survivors, Based on Immigration Status](https://niwaplibrary.wcl.american.edu/pubs/virginia-benefits), available at: <https://niwaplibrary.wcl.american.edu/pubs/virginia-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, Driver's License, and Post-secondary education in-state tuition and financial aid.
- Impose MORE RESTRICTIONS on immigrant access to federal public benefits: Medicaid (To continue to receive Medicaid for more than 7 years refugees, asylees and T visa holders must become lawful permanent residents).

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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>	Eligible with conditions upon prima facie determination.	Eligible. Also eligible for VA Refugee Cash Assistance or eligibility letter.	Eligible with HHS certification or eligibility letter. Also eligible for VA Refugee Cash Assistance	Not eligible.	Eligible with conditions upon lawful permanent residency.	Eligible with conditions upon lawful permanent residency.	Not eligible.	Not eligible.
<u>Child Care Funded by TANF and the Child Care Development Fund (CCDF)</u>	Eligible for CCDF. Eligible for TANF funded child care with conditions upon prima facie determination.	Refugee/Asylee: Eligible for CCDF and TANF funded child care. T visa: Eligible for CCDF and eligible for TANF funded childcare with HHS certification or eligibility letter.	Eligible for CCDF. Eligible for TANF funded child care with HHS certification or eligibility letter.	Eligible for CCDF.	Eligible for CCDF. Eligible for TANF funded child care with conditions upon lawful permanent residency.	Eligible for CCDF coverage with conditions. Eligible for TANF funded child care with conditions upon lawful permanent residency.	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.
<u>Supplemental Nutrition Assistance Program (SNAP)</u>	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.
<u>Women, Infants and Children (WIC)</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.

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HEALTHCARE								
Emergency Medicaid	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
Health Insurance Exchanges	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, wait list approval or U visa.	Not eligible.	Not eligible.
Medicaid	Eligible with prima facie determination, with conditions.	Eligible for first 7 years after attaining refugee, asylee, T visa, or T bona fide status. Continued eligibility after lawful permanent residency with conditions.	Eligible with HHS certification or eligibility letter. Eligibility limited to first 7 years after receiving HHS letter. Continued eligibility after lawful permanent residency with conditions.	Not eligible.	Eligible with lawful permanent residency with conditions.	Eligible with lawful permanent residency with conditions.	Not eligible.	Not eligible.
Prenatal Care	Eligible while pregnant upon prima facie determination for full-scope health care and prenatal care.	Eligible while pregnant for full-scope health care and prenatal care.	Eligible while pregnant with HHS certification or eligibility letter for full-scope health	Not eligible.	Eligible while pregnant upon filing for full-scope health care and prenatal care.	Eligible while pregnant with U visa, bona fide determination, or waitlist approval for full-scope health	Not eligible.	Not eligible.

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<u>Prenatal Care</u>			care and prenatal care.			care and prenatal care.		
<u>Children's Health Insurance Program (CHIP)</u>	In VA, eligible up to age 19 upon prima facie determination. After age 19 eligible with conditions upon prima facie determination.	In VA, eligible for first 7 years after attaining refugee, asylee, T visa, or T bona fide status. Continued eligibility after lawful permanent residency with conditions.	In VA, eligible with HHS certification or eligibility letter for first 7 years after attaining refugee, asylee, T visa, or T bona fide status. Continued eligibility after lawful permanent residency with conditions.	Not eligible.	In VA, eligible up to age 19 upon filing. After age 19 eligible with conditions upon legal permanent residency.	In VA, eligible up to age 19 with U visa, bona fide determination or wait list approval. After age 19 eligible with conditions upon legal permanent residency.	Not eligible.	Not eligible.
<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	Virginia 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 VA may be eligible to live in Low Income Housing Tax Credit property.	Eligible. In VA may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon HHS certification or eligibility letter. In VA may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In VA may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In VA may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In VA may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In VA may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In VA may be eligible to live in Low Income Housing Tax Credit property.

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<u>Emergency Shelter, Transitional Housing, Health, and Life and Safety Services</u>	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
<u>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</u>	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								
<u>Federal Education</u>	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.
<u>State Education</u>	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>In its public postsecondary institutions, Virginia allows in state tuition for immigrant students who attended high school for at least two years in Virginia or passed a high school equivalency examination in Virginia, provided the student submits evidence of tax returns filed by the student, their parent or guardian for at least two years prior to enrollment in an institution of higher education in Virginia. In-state tuition also available to refugees and children who have been granted Special Immigrant Juvenile Status. Immigrant students eligible for in-state tuition are among the immigrant students eligible for financial aid in Virginia. Certain institutions of higher education in Virginia will offer institutional aid or scholarships for eligible DACA students.</p>							

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LEGAL SERVICES, DRIVER'S LICENSES, AND EARNED INCOME TAX CREDITS								
<u>Legal Services</u>	<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 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>
<u>Driver's License</u>	<p>Eligible for VA driver's license.</p> <p>Eligible for federally recognized driver's license and ID upon receipt of work authorization.</p> <p>In VA, Self-petitioners are eligible for a</p>	<p>Eligible for VA driver's license.</p> <p>Refugees, asylees, persons with pending asylum applications and T visa holders eligible for federally recognized driver's license and ID.</p>	<p>Eligible for VA driver's license.</p> <p>Eligible upon receipt of HHS certification or eligibility letter for federally recognized driver's license and ID.</p>	<p>Eligible for VA driver's license.</p> <p>Eligible for federally recognized driver's license and ID upon receipt of work</p>	<p>Eligible for VA driver's license.</p> <p>Eligible for federally recognized driver's license and ID upon receipt of work authorization or deferred action.</p>	<p>Eligible for VA driver's license.</p> <p>Eligible for federally recognized driver's license and ID upon receipt of work authorization or deferred action.</p>	<p>Eligible for VA driver's license.</p>	<p>Eligible for VA driver's license.</p>

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<u>Driver's License</u>	federally recognized driver's license or ID: upon filing lawful permanent residency application (abused family member of U.S. citizens) or upon receipt of deferred action (abused spouses and children of lawful permanent residents).			authorization or deferred action.				
<u>Professional & Occupational Licenses</u>	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 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	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.

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FEMA					and other FEMA assistance.			
Unemployment Insurance	Eligible upon receipt of work authorization.	<p><u>Refugees:</u> Eligible upon receipt of work authorization.</p> <p><u>Asylees:</u> Eligible upon receipt of work authorization.</p> <p><u>T Visa:</u> Eligible upon receipt of bona fide determination with work authorization.</p>	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 [Access to State-Funded Public Benefits in Virginia for Survivors](#) to determine whether the immigrant or family members may be eligible. For more information on LIHTC see <https://www.vawahome.com/>.