North Dakota Public Benefits Screening Chart for Immigrant Survivors by Forms of Immigration Relief[1]

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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 North Dakota 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 North Dakota for Survivors, Based on Immigration Status, available at: https://niwaplibrary.wcl.american.edu/pubs/north-dakota-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: Medicaid (no 5 year bar for battered immigrants who are lawful permanent residents).

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- Impose MORE RESTRICTIONS on immigrant access to federal public benefits: Medicaid (lawful permanent residents are subject to a 5-year bar and must accrue 40 quarters of work credit to be Medicaid eligible).

PROGRAM	Lawful Permanent Residents, COFA Nationals,[2] and Naturalized Citizens	VAWA Self Petitioner and Battered Spouse Waiver[3]	Refugees, Asylees, T Visas,[4] Afghans,[5] and Ukrainians[6]	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								
Temporary Assistance for Needy Families (TANF) (Cash Assistance)	Lawful permanent residents, eligible with conditions. Naturalized citizens, eligible.	Eligible with conditions upon VAWA prima facie determination or Battered Spouse Waiver.	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.
Child Care Funded by TANF and the Child Care Development Fund (CCDF)	Eligible for CCDF. Lawful permanent residents, eligible for TANF funded child care with conditions. Naturalized citizens, eligible for TANF funded child care.	Eligible for CCDF. Eligible for TANF funded child care with conditions upon prima facie determination.	Refugee/Asylee: Eligible for CCFD 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 obtaining lawful permanent residency.	Eligible for CCDF. Eligible for TANF funded child care with conditions upon obtaining lawful permanent residency.	Eligible for CCDF.	Eligible for CCDF.
Supplemental Security Income (SSI)	Lawful permanent residents, eligible with conditions. Naturalized citizens, eligible.	Eligible with conditions upon prima facie determination.	Eligible during first 7 years after status is granted.	Eligible upon receipt of HHS certification or eligibility letter during first 7 years after status is grantees.	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)	Lawful permanent residents, eligible with conditions. Naturalized citizens, eligible.	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.	Eligible.
	HEALTHCARE								
Emergency Medicaid and Sexual Assault Forensic Medical Examinations	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
Health Insurance on Exchanges	Eligible.	Eligible with prima facie determination or Battered Spouse Waiver..	Refugee: Eligible. Asylee: Eligible upon receipt of work authorization or 6 months after filing for asylum for children under age 14. T visa:	Eligible with HHS certification or eligibility letter.	Eligible upon being granted Deferred Action for Childhood Arrivals (DACA)..	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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Health Insurance on Exchanges			Eligible with HHS certification or eligibility letter. Afghans special immigrants and Afghan and Ukrainian parolees are eligible to the same extent as refugees.						
Medicaid	Lawful permanent residents, eligible with conditions. In ND, lawful permanent residents are eligible for state funded medical assistance. Naturalized citizens, eligible.	Eligible with conditions upon VAWA prima facie determination or Battered Spouse Waiver In ND, VAWA self-petitioners and Battered Spouse Waivers are eligible for state funded medical assistance.	Eligible.	Eligible with HHS certification or eligibility letter.	Not eligible.	In ND, eligible for state funded medical assistance upon receiving lawful permanent residency.	In ND, eligible for state funded medical assistance upon receiving lawful permanent residency.	Not eligible.	Not eligible.
Prenatal Care	Naturalized citizens, eligible. In North Dakota, lawfully present pregnant people (including lawful permanent	Eligible upon receipt of lawful permanent residency. In North Dakota, lawfully present pregnant people	Eligible. In North Dakota, lawfully present pregnant people (including refugees, asylees, Asylum	Eligible with HHS certification or eligibility letter. In North Dakota, lawfully present	In North Dakota, lawfully present pregnant people (including DACA	In North Dakota, lawfully present pregnant people (including SIJS	In North Dakota, lawfully present pregnant people (including U visa holders,	Not eligible.	Not eligible.

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Prenatal Care	residents) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.	(including VAWA self-petitioners and Battered Spouse Waivers) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.	applicants who are under the age of 14 or have work authorization, T visa holders and T visa applicants with bona fide determinations) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.	pregnant people (including human trafficking victims with HHS certification or eligibility letters) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.	recipients) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.	applicants) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.	and U visa applicants with bona fide determinations or waitlist approvals) are eligible for prenatal care, full-scope healthcare and 12 months of postpartum care.		
Children's Health Insurance Program (CHIP)	Lawful permanent residents, eligible with conditions. In ND, lawful permanent residents are eligible for state funded medical assistance. Naturalized citizens, eligible.	Eligible with conditions upon VAWA prima facie determination or Battered Spouse Waiver In ND, VAWA self-petitioners and Battered Spouse Waivers are eligible for state funded medical assistance.	Eligible.	Eligible with HHS certification or eligibility letter.	Not eligible.	In ND, eligible for state funded medical assistance upon receiving lawful permanent residency.	In ND, for state funded medical assistance upon receiving lawful permanent residency.	Not eligible.	Not eligible.
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 citizenship or immigration status.								

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Family Medical Leave Act – State Law	North Dakota has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.								
	HOUSING AND WEATHERIZATION								
Public & Assisted Housing and Low Income Tax Credit Housing[7]	Eligible. In ND may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon filing. In ND may be eligible to live in Low Income Housing Tax Credit property.	Eligible. In ND may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon HHS certification or eligibility letter. In ND may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In ND may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In ND may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In ND may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In ND may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In ND 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.	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.	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	WAP if living in multi-family dwellings. Eligible with conditions for LIHEAP upon receiving lawful	WAP if living in multi-family dwellings.	WAP if living in multi-family dwellings.

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						permanent residency.	permanent residency.		
	EDUCATION								
Federal Education	Eligible.	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.	Eligible upon prima facie determination.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.	Eligible with conditions.
	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 citizenship or immigration status. In ND, only immigrants who are lawful permanent residents (must have Alien Registration Receipt Card) or refugees holding I-94 visas bearing endorsement by the Immigration and Naturalization Service and showing they have been paroled indefinitely or have been granted indefinite voluntary departure or conditional entry are eligible for in-state tuition rates, access to institutional aid or scholarships provided they meet state residency requirements.								
	LEGAL SERVICES, DRIVER'S LICENSES, AND EARNED INCOME TAX CREDITS								
Legal Services	Lawful permanent residents, applicants for lawful permanent residency, and naturalized citizens eligible for all LSC funded legal services. Victims of domestic, sexual, or dating violence, or stalking eligible	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	May be eligible if victims of abuse for LSC funded legal services with conditions. Victims of domestic, sexual, or dating violence, or	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,	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency.	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

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	for VAWA funded legal services.			VAWA funded legal services.	stalking eligible for VAWA funded legal services.		sexual, or dating violence, or stalking eligible for VAWA funded legal services.		VAWA funded legal services.
Legal Services						Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.		Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	
Driver's License	Eligible for federally recognized driver's license and ID.	Eligible or federally recognized driver's license and ID upon receipt of work authorization.	Eligible or federally recognized driver's license and ID.	Eligible or federally recognized driver's license and ID upon receipt of HHS certification or eligibility letter.	Eligible or federally recognized driver's license and ID upon receipt of work authorization.	Eligible f or federally recognized driver's license and ID upon receipt of work authorization.	Eligible f or federally recognized driver's license and ID upon receipt of work authorization.	Not eligible.	Not eligible.
Professional and Occupational Licenses	Eligible.	North Dakota has no state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.							
Income Tax Credit	Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 or who case 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.								
Earned Income Tax Credit (EITC)	Eligible.	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								

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Federal Emergency Management Agency (FEMA)	Eligible for disaster relief. Eligible for food, unemployment and all other FEMA assistance.	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.
Unemployment Insurance	Eligible.	Eligible upon receipt of work authorization.	Refugees: Eligible. Asylees, Afghans, and Ukrainians: Eligible upon receipt of work authorization. T Visa: Eligible as T visa holder or 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] For those working with immigrant clients who are Compact of Free Association (COFA) citizens/nationals please see NIWAP's Hawaii Public Benefits Chart (https://niwaplibrary.wcl.american.edu/pubs/hawaii-benefits/) which contains a detailed explanation with footnotes for each public benefit describing what COFA nationals/citizens are eligible for in all U.S. jurisdictions. Under COMPACT OF FREE ASSOCIATION ACT (COFA) Pacific Islanders who are citizens/nationals of the Marshall Islands, Palau, and the Federated States of Micronesia (collectively the Freely Associated States or FAS) living in the United States (including all U.S. territories) are eligible for federal public benefits without being subject to the 5-year bar. COMPACT IMPACT FAIRNESS ACT (CIFA) included in CONSOLIDATED APPROPRIATIONS ACT of 2024 (March 9, 2024). Information about COFA eligibility for public benefits is also being included in each state's listing in NIWAP's public benefits map https://niwaplibrary.wcl.american.edu/benefits-map/

[3] 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.

[4] *See* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a "prima facie" (bona facie) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).

[5] **Afghans entering between 7/31/21 and 9/30/23**: In 2021, Congress extended benefits eligibility to certain Afghans paroled into the U.S. through § 2502 of the Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43, 135 Stat. 344, 377 (2021). This law was amended by the Continuing Appropriations and Ukraine Supplemental Appropriations Act, Pub. L. 117-180 § 149, 135 Stat. 2114, 2124 (2022), and by the Consolidated Appropriations Act, 2023, Pub. L. 117-328 § 1501, 136 Stat. 4459, 5195 (2022). This law as amended provides that:

- Afghans granted humanitarian parole between July 31, 2021 and September 30, 2023 are eligible for resettlement assistance, entitlement programs, federally recognized driver's licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.
- The spouses and children of these Afghans granted humanitarian parolees who are granted their own humanitarian parole after September 30, 2022, are also eligible for resettlement assistance, entitlement programs, federally recognized driver's licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.
- Parents or guardians of unaccompanied Afghan children granted parole after September 30, 2023 are— also eligible for resettlement assistance, entitlement programs, federally recognized driver's licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.

See OFF. OF REFUGEE RESETTLEMENT, U.S. DEP'T OF HEALTH AND HUM. SERV. , *Fact Sheet: Benefits for Afghan and Iraqi Special Immigrant Visa (SIV) Holders or SQ/SI Parolees* https://acf.gov/sites/default/files/documents/orr/Benefits-for-SIVs-Fact-Sheet.pdf (last visited March 28, 2025) (Iraqi and Afghan special immigrant visa holders (SIV) and special immigrant parolees (who have applied for SIV status) are eligible for federal benefits to the same extent as refugees.) *See also The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

Afghans entering on or after 10/1/23:

- Afghan humanitarian parolees arriving on or after October 1, 2023, are not eligible for federal public benefits to the same extent as refugees. *See The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

Afghans under the Temporary Protected Status:

- Are considered lawful present individuals which provides access to healthcare exchanges to purchase health insurance and some states state-funded healthcare subsidies or other access to state funded benefits to the same extent as other lawful present individuals, cited on this public benefits chart as DACA, SIJS, U-visa bona fide or wait list approval. Extension of Designation of Afghanistan for TPS, 88 Fed. Reg. 65728 (Sep. 25, 2023). *See* Clarifying the Eligibility of Deferred Action for Childhood

Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program, 89 Fed. Reg. 39392, 39436 (May 8, 2024).

Afghans with pending or approved applications for asylum:

- Receive the same public benefits access as all other asylees. Afghan asylum applicants will have greater access to public benefits than other asylum applicants if they were granted one of the forms of humanitarian parole listed above that receives access to public benefits to the same extent as refugees. Once an Afghan recipient of humanitarian parole applies for and is granted asylum, they receive access to state and federal public benefits to the same extent as asylees.

See also, Changes to Benefits Eligibility and Services for Afghans Arriving as Humanitarian Parolees, SETTLEIN (FEB. 21, 2024) https://www.settlein.support/en-us/articles/16903785241629.

[6] Ukraine Security Supplemental Appropriations Act of 2024, 118 P.L. 50; 2024 Enacted H.R. 815; 118 Enacted H.R. 815; 138 Stat. 895 (2024). *Department of Homeland Security, President Biden to Announce Uniting For Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing the Russian Invasion of Ukraine*, DEP'T OF HOMELAND SEC. (April 21, 2022) https://niwaplibrary.wcl.american.edu/pubs/ukrainians-2022-dhs/ (Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2024 – and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2024 – are eligible for federal benefits to the same extent as refugees.); *See The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Ukrainian Refugees* (November 29, 2023) https://niwaplibrary.wcl.american.edu/orr-policy-letters-ukrainian-refugees (Contains HHS Policy Letters and Fact Sheets regarding Ukrainian Refugees).

[7] 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 North Dakota for Survivors to determine whether the immigrant or family members may be eligible. For more information on LIHTC *see* https://www.vawahome.com/.