U.S. Virgin Islands 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 the U.S. Virgin Islands 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 the U.S. Virgin Islands for Survivors, Based on Immigration Status, available at: https://niwaplibrary.wcl.american.edu/pubs/usvi-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 territory has elected to:

- Offer U.S. VIRGIN ISLAND FUNDED BENEFITS to certain groups of immigrants in the following benefits programs: TANF, TANF Funded Child Care, Child Health Insurance Program (CHIP), Medicaid while pregnant, Prenatal care, and Post-secondary in-state tuition, grants and loans (immigrants with Social Security Numbers),
- The FEDERAL GOVERNMENT imposes MORE RESTRICTIONS on immigrant access to federal public benefits: SSI and Earned Income Tax Credit.

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PROGRAM	Lawful Permanent Resident, 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)	In USVI, lawful permanent residents, eligible with conditions. Naturalized citizens, eligible.	In USVI, eligible with conditions upon VAWA Prima facie determination, Battered Spouse Waivers, or lawful permanent residency.	Eligible.	Eligible with HHS certification or eligibility letter.	Not eligible.	In USVI, eligible with conditions upon obtaining lawful permanent residency.	IN USVI, 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. In USVI, lawful permanent residents, eligible for TANF funded child care with conditions. Naturalized citizens, eligible for TANF funded child care.	Eligible for CCDF. In USVI, eligible for TANF funded child care when eligible for TANF.	Refugee/Asylee: Eligible for CCFD and TANF funded child care. T visa: Eligible for CCDF and eligible for TANF funded childcare.	Eligible for CCDF. Eligible for TANF funded child care with HHS certification or eligibility letter.	Eligible for CCDF.	Eligible for CCDF. In USVI, eligible for TANF-funded child care with conditions upon receiving lawful permanent residency.	Eligible for CCDF. In USVI, eligible for TANF-funded child care with conditions upon receiving lawful permanent residency.	Eligible for CCDF.	Eligible for CCDF.
Old-Age (retirement), Survivors, and Disability Insurance (OASDI)	*In the U.S. Virgin Islands, SSI payments are not available. The former federal-state programs of Old-Age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled still operate in the U.S. Virgin Islands and are administered at the federal level. Qualified immigrants (including VAWA self-petitioners with prima facie determinations, Battered Spouse Waivers, lawful permanent residents, refugees, asylees, and immigrants legally eligible to be treated for public benefits purposes as refugees (e.g., T visa holders, T visa applicants with bona fide determinations, trafficking victims with continued presence, and trafficked children with child eligibility letters issued by the Office on Trafficking in Persons) are eligible for Old-age Assistance, Aid to the Blind, and Aid to the Permanently and Totally Disabled programs .*								
Supplemental Nutrition Assistance Program (SNAP)	Lawful permanent residents, eligible with conditions. Naturalized citizens, eligible.	Eligible with conditions upon prima facie determination.	Eligible	Eligible upon receipt of 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	Eligible	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.

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& Children (WIC)									
	HEALTHCARE								
Emergency Medicaid and Sexual Assault Forensic Medical Examinations	Eligible	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.	Eligible.
Health Insurance 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. Afghans special immigrants and Afghan and Ukrainian parolees are eligible to the same extent as refugees.	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.
Medicaid	Lawful permanent residents, eligible with conditions. In USVI, pregnant lawful permanent residents are eligible.	Eligible with conditions upon VAWA prima facie determination. In USVI, pregnant VAWA self-	Eligible. In USVI, pregnant refugees, asylees, T visa holders, and U visa applicants with bona fide	Eligible with HHS certification or eligibility letter. In USVI, pregnant trafficking	Not eligible. In USVI, pregnant DACA recipients are eligible.	Eligible with conditions upon obtaining lawful permanent residency. In USVI, pregnant SIJS	Eligible with conditions upon obtaining lawful permanent residency. In USVI, pregnant U visa holders, U	Not eligible.	Not eligible.

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Medicaid	Naturalized citizens, eligible	petitioners with prima facie determinations or Battered Spouse Waivers are eligible.	determinations are eligible.	victims with HHS certification or eligibility letters are eligible.		applicants, recipients, and lawful permanent residents are eligible.	visa applicants with bona fide determinations, and U visa lawful permanent residents are eligible.		
Prenatal Care	In the USVI, pregnant lawful permanent residents are eligible for full-scope health care, prenatal care and 12 months postpartum care. Naturalized citizens, eligible	In the USVI, In the USVI, pregnant VAWA self-petitioners with prima facie determinations and Battered Spouse waivers are eligible for full-scope health care, prenatal care and 12 months postpartum care..	Eligible.	In the USVI, lawfully present trafficking victims with HHS certification or eligibility letters eligible for full-scope health care while pregnant.	In the USVI, pregnant DACA recipients are eligible for full-scope health care, prenatal care and 12 months postpartum care..	In the USVI, pregnant SIJS applicant, recipients, and lawful permanent residents are eligible for full-scope health care, prenatal care and 12 months postpartum care.	In the USVI, pregnant U visa holders, U visa applicants with bona fide determinations, and U visa lawful permanent residents are eligible for full-scope health care, prenatal care and 12 months postpartum care.	Not eligible.	Not eligible.
Children's Health Insurance Program (CHIP)	In USVI, lawful permanent residents are eligible up to age 21. After age 21, lawful permanent residents are eligible with conditions. Naturalized citizens eligible.	Eligible up to age 21 upon prima facie determination. After age 21 eligible with conditions upon prima facie determination.	Eligible.	Eligible upon HHS certification or eligibility letter.	Not eligible.	Eligible up to age 21 upon filing. After age 21 eligible with conditions upon legal permanent residency.	Eligible up to age 21 upon receipt of U visa, bona fide determination or wait list approval. After age 21 eligible with conditions upon legal 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 immigration or citizenship status.								

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Family Medical Leave Act – State Law	U.S VI has no territorial Family Medical Leave Act. Federal FMLA law applies.								
	HOUSING AND WEATHERIZATION								
Public & Assisted Housing and Low Income Tax Credit Housing[7]	Eligible. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon filing. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Eligible with prima facie determination. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon HHS certification or eligibility letter. In the USVI may also be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Eligible upon receiving lawful permanent residency. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In the USVI, may be eligible to live in Low Income Housing Tax Credit property.	Not eligible. In the USVI, 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.	Eligible for WAP if living in multi-family dwellings. Eligible for LIHEAP with conditions upon prima facie determination.	Eligible for WAP if living in multi-family dwellings. Eligible for LIHEAP with conditions upon receipt of HHS certification or eligibility letter.	Eligible for WAP if living in multi-family dwellings.	Eligible for WAP if living in multi-family dwellings. Eligible with conditions for LIHEAP upon receiving lawful permanent residency.	Eligible for WAP if living in multi-family dwellings. Eligible with conditions for LIHEAP upon receiving lawful permanent residency.	Eligible for WAP if living in multi-family dwellings.	Eligible for WAP if living in multi-family dwellings.
	EDUCATION								

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Federal Education	Eligible.	Eligible upon prima facie determination.	Eligible.	Eligible with HHS certification or eligibility letter.	Not eligible.	Eligible upon receipt of lawful permanent residency.	Eligible upon receipt of lawful permanent residency.	Not eligible.	Not eligible.
State Education	Eligible.	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.	Eligible upon receipt of work authorization.	Not eligible.	Not eligible.
	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 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. *At its public postsecondary institutions, the U.S. Virgin Islands only allows in-state tuition rates and access to institutional aid or scholarships for eligible students who have citizenship, lawful permanent residency, or a social security number. All immigrants with legal work authorization will qualify based on having a social security number including: approved VAWA self-petitioners, refugees, asylees, T-visa bona fide applicants, continued presence recipients, DACA, wait-list approved U visa applicants and other immigrants who have been granted work authorization.*								
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 for VAWA funded 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 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 VAWA funded legal services.	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 VAWA funded legal services.	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. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA funded legal services.	Eligible for LSC-funded legal services with conditions and fully eligible when victims file for lawful permanent residency. Victims of domestic, sexual, or dating violence, or stalking eligible for VAWA	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 VAWA funded legal services.

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Legal Services								funded legal services.	
Professional & Occupational Licensing	There are no U.S. Virgin Island laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.								
Driver's License	Eligible for federally recognized driver's license and ID.	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 upon receipt of work authorization.	Eligible for federally recognized driver's license and ID upon receipt of work authorization.	Not eligible.	Not eligible.
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 cares 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)	Not available in U.S. Virgin Islands.								
	FEMA AND UNEMPLOYMENT INSURANCE								
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	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.

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Unemployment Insurance			receipt of work authorization. T Visa: Eligible as T visa holder or upon receipt of work authorization.						
	*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://www.acf.hhs.gov/orr/fact-sheet/benefits-afghan-and-iraqi-special-immigrant-visa-siv-holders-or-sq/si-parolees (last visited November 29, 2023) (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 the U.S. Virgin Islands for Survivors to determine whether the immigrant or family members may be eligible. For more information on LIHTC *see* https://www.vawahome.com/.