



# Immigrant Crime Victim Child Care Access<sup>i</sup>

By: Benish Anver and Leslye E. Orloff

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## Child Care Development Fund (CCDF) Funded Child Care

### Eligible Immigrants

- “Qualified” immigrant children.
- Victims of trafficking and their derivative beneficiaries.

**NOTE:** All immigrants, regardless of immigration status, are eligible for CCDF child care when:

- Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays.
- Child care is subject to Head Start performance standards.
- Eligibility for child care services is determined by a nonprofit charitable organization.

**National Immigrant Women’s Advocacy Project (NIWAP, pronounced *new-app*)**  
**American University, Washington College of Law**

4801 Massachusetts Avenue NW · Washington, D.C. 20016

(o) 202.274.4457 · (f) 202.274.4226 · [niwap@wcl.american.edu](mailto:niwap@wcl.american.edu) · [wcl.american.edu/niwap](http://wcl.american.edu/niwap)

## TANF- Funded Child Care

	Qualified Immigrants <sup>ii</sup> entered US before Aug. 22, 1996 & are receiving TANF	Qualified Immigrants entered US on or after Aug. 22, 1996 <sup>iii</sup>	VAWA <sup>iv</sup>	Legal Permanent Residents	Veterans <sup>v</sup>	Refugees and Trafficking Victims <sup>vi vii</sup>
<b>States</b>						
Alabama	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Alaska	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Arizona	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Arkansas	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
California	Yes	Yes	Yes	Yes	Yes	Yes
Colorado	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes

	<b>Qualified Immigrants entered US before Aug. 22, 1996 &amp; are receiving TANF</b>	<b>Qualified Immigrants entered US on or after Aug. 22, 1996</b>	<b>VAWA</b>	<b>Legal Permanent Residents</b>	<b>Veterans</b>	<b>Refugees and Trafficking Victims</b>
<b>States</b>						
Connecticut	Yes* requires pursuit of citizenship	Yes	Yes	Yes	Yes	Yes
Delaware	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No	Yes
District of Columbia	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No	Yes
Florida	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Georgia	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Hawaii	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes

	<b>Qualified Immigrants entered US before Aug. 22, 1996 &amp; are receiving TANF</b>	<b>Qualified Immigrants entered US on or after Aug. 22, 1996</b>	<b>VAWA</b>	<b>Legal Permanent Residents</b>	<b>Veterans</b>	<b>Refugees and Trafficking Victims</b>
<b>States</b>						
Idaho	Yes	Provides TANF only to abused “qualified” immigrants who have lived in the US for 5 years.	Provides TANF only to abused “qualified” immigrants who have lived in the US for 5 years.	Provides TANF only to LPRs credited with 40 quarters of work that are veterans or refugees	Yes	Yes- those who entered on or after Aug. 22, 1996 are eligible only after 5 years of obtaining this status
Illinois	Yes* for abused immigrants only	Yes	Yes	Yes	Yes	Yes
Indiana	Yes	No	No	Provides TANF only to LPRs credited with 40 quarters of work that are veterans or refugees	Yes	Yes- those who entered on or after Aug. 22, 1996 are eligible only after 5 years of obtaining this status
Iowa	Yes* abused immigrants only	Yes	Yes	Yes	Yes	Yes
Kansas	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Kentucky	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes



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<b>States</b>						
Louisiana	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Maine	Yes* must meet hardship criteria, including seniors, disabled & victims of domestic violence	Yes	Yes	Yes	Yes	Yes
Maryland	Yes	Yes	Yes	Yes	Yes	Yes
Massachusetts	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Michigan	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Minnesota	Yes* LPRs receiving benefits must enroll in literacy and civics classes and pursue citizenship	Yes	Yes	Yes	Yes	Yes

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 (o) 202.274.4457 · (f) 202.274.4226 · niwap@wcl.american.edu · [wcl.american.edu/niwap](http://wcl.american.edu/niwap)

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<b>States</b>						
Mississippi	Yes	No	No	Provides TANF only to LPRs credited with 40 quarters of work that are veterans or refugees	Yes	Yes- those who entered on or after Aug. 22, 1996 are eligible only after 5 years of obtaining this status.*
Missouri	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Montana	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Nebraska	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Nevada	Yes* abused immigrants only	Yes	Yes	Yes	Yes	Yes
New Hampshire	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes



	<b>Qualified Immigrants entered US before Aug. 22, 1996</b>	<b>Qualified Immigrants entered US on or after Aug. 22, 1996</b>	<b>VAWA</b>	<b>Legal Permanent Residents</b>	<b>Veterans</b>	<b>Refugees and Trafficking Victims</b>
<b>States</b>						
New Jersey	Yes* abused immigrants only	No	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes	Yes	Yes	Yes
New York	Yes	Yes	Yes	Yes	Yes	Yes
North Carolina	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
North Dakota	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Ohio	Yes	No- including those who have completed the 5 year bar, unless they are persons under an order of supervision of the court	No- including those who have completed the 5 year bar, unless they are persons under an order of supervision of the court	No- including those who have completed the 5 year bar, unless they are persons under an order of supervision of the court	Yes	Yes
Oklahoma	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Oregon	Yes	Yes	Yes	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes	Yes	Yes



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<b>States</b>						
Rhode Island	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
South Carolina	Yes	No	No	Provides TANF only to LPRs credited with 40 quarters of work that are veterans or refugees	Yes	Yes- those who entered on or after Aug. 22, 1996 are eligible only after 5 years of obtaining this status
South Dakota	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Tennessee	Yes* abused immigrants only	Yes	Yes	Yes	Yes	Yes
Texas	Yes	No	No	Provides TANF only to LPRs credited with 40 quarters of work that are veterans or refugees	Yes	Yes- those who entered on or after Aug. 22, 1996 are eligible only after 5 years of obtaining this status
Utah	Yes	Yes	Yes	Yes	Yes	Yes





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<b>States</b>						
Vermont	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Virginia	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Washington	Yes	Yes	Yes	Yes	Yes	Yes
West Virginia	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Wisconsin	Yes* family eligibility is determined by parents' immigration status	Yes	Yes	Yes	Yes	Yes
Wyoming	Yes	Yes	Yes	Yes	Yes	Yes- those who entered on or after Aug. 22, 1996 are eligible only after 5 years of obtaining this status

	Qualified Immigrants entered US before Aug. 22, 1996	Qualified Immigrants entered US on or after Aug. 22, 1996 <sup>viii</sup>	VAWA	Legal Permanent Residents	Veterans	Refugees and Trafficking Victims
States						
Puerto Rico	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes
Guam	Yes	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	No- 5 year bar applies; only eligible once receiving federal TANF	Yes	Yes

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TANF Funded child care is only available to immigrants eligible for TANF and is not available to immigrants who are lawfully present, PRUCOL and victims applying for or receiving U visas. Immigrants who do not qualify for TANF funded child care can qualify for Child Care Development Fund (CCDF) funded child care.

\* Mississippi does not address eligibility for Cuban/Haitian entrants or Amerasian immigrants.

<sup>ii</sup> **Qualified Immigrants**– are: (1) lawful permanent residents (LPRs); (2) refugees, asylees, persons granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; (3) Cuban/Haitian entrants; (4) battered spouses and children with a pending or approved (a) self-petition for an immigrant visa, or (b) immigrant visa filed for a spouse or child by a U.S. citizen or LPR, or (c) application for cancellation of removal/suspension of deportation, whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse is also “qualified”); and (5) victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a *prima facie* case. (A broader group of trafficking victims who are certified by or receive an eligibility letter from the Office of Refugee Resettlement are eligible for benefits funded or administered by federal agencies, without regard to their immigration status.) See National Immigration Law Center, Medical Assistance Programs for Immigrants in Various States, May 2006,

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available at: <http://www.nilc.org/guideupdate.html> (full details of programs available in states provided by NILC).

iii In addition to physically entering the United States on or after August 22, 1996, the immigrant must have been a “qualified” immigrant for at least five years.

iv **Violence Against Women Act (VAWA)**- includes: 1. VAWA self-petitioners, as defined by INA § 101(a)(51); 2. VAWA cancellation of removal, INA § 240A; 3. VAWA suspension of deportation, INA § 244(a)(3)(as in effect prior to March 31, 1997); 4. An immigrant who has been subjected to battering or extreme cruelty, whose spouse or parent filed a family based visa petition for them, which is pending and sets out a prima facie case for approval or has been approved. The battery and extreme cruelty could have been perpetrated by the spouse or parent or a member of the spouse or parent’s family residing in the same household as the victim. All immigrants applying for benefits under VAWA must demonstrate a substantial connection between the battering or extreme cruelty and the need for benefits.

v **Veterans**- are: veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are “qualified” immigrants.

vi **Refugees**- are: individuals granted status as a refugee, asylee, person granted withholding of removal/deportation, Amerasian immigrant, or Cuban/Haitian entrant. Eligibility continues even if the “refugee” becomes a lawful permanent resident.

vii **Trafficking Victims** - are: adults with Office of Refugee Resettlement (ORR) certification letter and children with an eligibility letter form from ORR and are federal and state public benefits to the same extent as refugees. Trafficking victims who apply for a T visa and receive a *prima facie* determination in their T visa case also qualify for public benefits to the same extent as other qualified immigrants. For more information, see “Trafficking Victim Benefits Eligibility Process” available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access-to-benefits-and-sevices-by-immigration-relief-for-immigrant-crime-victims/TraffickingVictimsBenefitsEligibilityProcess%20FINAL-%204-17-13.docx/view>

viii In addition to physically entering the United States on or after August 22, 1996, the immigrant must have been a “qualified” immigrant for at least five years.