



TAFDC Benefits for Immigrant-Headed Households

Basic Benefits Training, December 4, 2023

Naomi Meyer, Greater Boston Legal Services
nmeyer@gblds.org

Language Access at DTA

- Online application in 6 languages
- DTA must provide free interpreter if client is LEP
- Clients can self-identify as LEP
- Can file complaint if problems



Common Myth #1

“Undocumented immigrants can’t/shouldn’t apply for DTA benefits.”

Reality:

- Can apply on behalf of eligible children
- Can opt out of benefits household and not provide SSN or immigrant status
 - Income still counted
- DTA does not report people to ICE

Common Myth #2

“You can’t get TAFDC benefits until you’ve had a green card for 5 years.”

Reality:

NOT ALWAYS! Exceptions depend on:

- prior status
- domestic violence
- date entered U.S.
- active duty/veteran status

“Qualified” and Eligible for TAFDC (and SNAP & SSI) right away

- Refugees & asylees
- Granted Withholding of Deportation or Removal
- Cuban/Haitian Entrants
- Iraqi and Afghan Special Immigrants
- Afghan Evacuees and Ukrainians with humanitarian parole
- Victims of Trafficking
- *Lawful Permanent Residents (LPRs) who adjusted from one of these statuses*

Status before adjustment?



Cuban-Haitian Entrants

National of Cuba or Haiti with “special status”:

- Pending asylum application
- Paroled into U.S. for humanitarian reasons
- In removal/deportation proceedings, but no final, enforceable order of removal
- ✓ Eligible for federal benefits
- ✓ Includes children born to Haitian parents outside Haiti
- X Does not include Temporary Protected Status (TPS)

USCIS Receipt for Asylum Application

Department of Homeland Security
U.S. Citizenship and Immigration Services

Form I-797C, Notice of Action

THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number [REDACTED] ← Your Receipt Number		Case Type 1589 - APPLICATION FOR ASYLUM AND FOR WITHHOLDING OF REMOVAL	
Received Date [REDACTED]	Priority Date	Applicant [REDACTED] ← Your A number	
Notice Date [REDACTED]	Page 1 of 1		
[REDACTED]		Notice Type: Receipt Notice	
We have mailed an official notice about this case (and any relevant documentation) according to the mailing preferences you chose on Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. This is a courtesy copy, not the official notice.			
<u>What the Official Notice Said</u>			
*** ACKNOWLEDGEMENT OF RECEIPT ***			
Your complete Form I-589 Application for Asylum and Withholding of Removal was received and is pending as of [REDACTED]. You may remain in the U.S. until your asylum application is decided. If you wish to leave while your application is pending, you must obtain advance parole from USCIS. If you change your address, send written notification of the change within 10 days to the Asylum Office at the below address or using the USCIS Online			

← **The date your application was received**

Sample I-94 (electronic)



U.S. Customs and Border Protection
Securing America's Borders

Most Recent I-94

Admission (I-94) Record Number : [REDACTED]

Most Recent Date of Entry: 2023 March 07

Class of Admission : DT

Admit Until Date : 03/05/2024

Details provided on the I-94 Information form:

Last/Surname : [REDACTED]

First (Given) Name : [REDACTED]

Birth Date : [REDACTED]

Document Number : [REDACTED]

Country of Citizenship : Haiti

[Get Travel History](#)

Notice to Appear

Your A number

Notice to Appear

U.S. Department of Homeland Security

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS #: [REDACTED] File No: [REDACTED]
DOB: [REDACTED] Event No: [REDACTED]

In the Matter of:

Respondent: [REDACTED] currently residing at:

[REDACTED] (Number, street, city and ZIP code) [REDACTED] (Area code and phone number)

Address on file with DHS & EOIR

1. You are an arriving alien.
 2. You are an alien present in the United States who has not been admitted or paroled.
 3. You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of HONDURAS and a citizen of HONDURAS ;
3. You arrived in the United States at or near [REDACTED], on or about [REDACTED], [REDACTED];
4. You were not then admitted or paroled after inspection by an Immigration Officer.

Example #1

Marie is from Haiti and has TPS. Her baby was born in the U.S.

- Can Marie get TAFDC for her baby?
- Can she get TAFDC for herself?

You learn that Marie entered the U.S. with Humanitarian Parole.

- How does that change her eligibility?

Domestic Violence (TAFDC)

If client or child meets criteria for

- Domestic abuse

and

- Immigration status/pending status

Then both are considered “battered noncitizens”

- Qualified
- Immediately eligible for TAFDC

Battered Non-Citizens

Criteria Regarding Abuse

- Battered or “subjected to extreme cruelty” in the U.S.
- Abuse committed by spouse, parent, or member of spouse/parent’s family
- Lived with abuser at the time
- No longer lives with abuser

Battered Non-Citizens

Criteria Regarding Immigration Status

Pending or approved petition for:

- LPR through an I-130 petition by a spouse or parent who is a U.S. citizen or LPR.
- LPR through a VAWA self-petition.
 - "Pending" if has Notice of Prima Facie Determination
- Suspension of deportation or cancellation of removal under VAWA.

Example #2

Thelma and her 7-year-old son fled her husband, a U.S. citizen, due to domestic violence. She filed a VAWA petition and got a Notice of Prima Facie Determination 6 months ago.

- Is Thelma eligible for TAFDC?
- Is her son eligible?

Public Charge Inadmissibility Test

Definition: likely to become primarily dependent on the government for subsistence

- Prospective test, considering “totality of the circumstances”
- Considers the immigrant’s receipt of:
 - Cash assistance for income maintenance (TAFDC, EAEDC, SSI)
 - long-term institutionalization at government expense

Public Charge Inadmissibility Test

- Does ***not*** consider:
 - the immigrant's receipt of any other benefit, including
 - Noncash benefits
 - Earned benefits (e.g., unemployment, social security retirement)
 - Benefits received by eligible family members

Public Charge – Who is affected?

- Immigrants applying for Lawful Permanent Residence (green card) through family or employer
 - Usually not eligible for federally funded benefits like TAFDC

Public Charge – Who is NOT affected?

- Applicants for citizenship
- LPRs (except those leave U.S. for 6+ months)
- Green card applicants who are
 - Refugees or asylees
 - VAWA self-petitioners
 - T-visa and U-visa holders
 - Special Immigrant Juveniles
 - Afghan or Iraqi Special Immigrant Visa holders

Public Charge – Key things to know

- Most public benefits don't count!
- Benefits received for eligible family members do not count.
- Under “totality of the circumstances” test, receipt of benefits is not the only factor considered.
- The next Administration must give months of notice before trying to change the rules.