

Clarification: NON-CITIZEN ELIGIBILITY FOR TANF Based on Domestic Violence

References: ORS 411.117; OAR 461-135-1200 and 461-120-0125

A policy question regarding waiving of TANF requirements that frequently arises in training and in phone calls from the field is around waiving TANF requirements for non-citizens. We are able to waive citizenship/legal residency requirements for victims of domestic violence who are applying for TANF, as well as TA-DVS. We cannot waive requirements for food stamps or medical.

The non-citizen would still need to be a caretaker relative or be pregnant. The family does not need to contain an "eligible" child to have TANF eligibility requirements waived for TANF.

The primary issue in serving victims is safety. Waiving requirements should be to help a victim escape a violent situation or to keep them safe from further risk of domestic violence.

In these situations, a non-citizen who would otherwise qualify for TANF, except for their citizenship status, is eligible for the waiver of TANF requirements for as long as there is a safety issue. Waivers must be reviewed at a minimum of every six months, but can be extended if there is a continued safety concern.

To establish whether or not there is a continued safety concerns, the worker should meet with the client to discuss their current situation.

A safety concern could include...

- any concern that puts an individual in danger or at risk of continuing or future abuse;
- abusive behaviors that put an individual at risk or in fear;
- escalating verbal, emotional or controlling behaviors that put an individual at fear or risk of physical abuse.

A risk of future abuse would exist if the victim were put the position of having to return to the abuser without TANF support.

As in all DV cases, there should be a Domestic Violence Assistance Agreement (DHS 1543) created with the client.

Resource: Under the Violence Against Women's Act (VAWA) there may also be federal assistance to help a victim gain legal residency. This resource allows for victims self-petitioning for permanent residency to receive a work permit even before status is determined. It is currently taking 6 months to 1 year before the work permit is issued.

If a client would like to see if they qualify to self petition for permanent residency under VAWA or to apply for other immigration supports under VAWA, they can contact their local legal aid office or Immigration Counseling Services through Catholic Charities, their phone number is (503) 542-2855.