

TANF AND EMERGENCY MEDICAID ACCESS FOR BATTERED IMMIGRANT WOMEN AND CHILDREN

ELIGIBILITY FOR DOCUMENTED AND UNDOCUMENTED WOMEN

Medicaid provides access to health care services for people in need. Temporary Assistance for Needy Families (TANF) is a program that provides cash payments, vouchers, social services and other types of assistance to disadvantaged families. Although the law denies public benefits to many immigrants, states have the option to give these benefits to some needy immigrant families. As with most public benefits, immigrant women and children who are abused by their U.S. citizen or lawful permanent resident spouses or parents and have an immigration petition filed with, or approved by DHS can apply for these benefits. They must also show that there is a “substantial connection” between the abuse and the need for Medicaid and/or TANF.

Qualified Immigrants

Generally, only “qualified immigrants” can receive Medicaid and TANF. The qualifications for a battered immigrant to be eligible for Medicaid and TANF are the same as for other public benefits. Therefore an individual who entered the United States after August 22, 1996, will be unable to receive federally-funded TANF and Medicaid benefits for five years. Immigrants who are exempt from the five-year bar are eligible for these benefits.

Family Violence Option

The Family Violence Option (FVO) included in the Welfare Act of 1996 permits states to grant "good cause waivers" of certain TANF program requirements. Under the FVO, states are required to identify victims of violence, conduct individual assessments, and develop temporary safety and service plans in order to protect battered immigrants from: “...immediate dangers, stabilize their living situations and explore avenues for overcoming dependency.” These family violence option waivers are temporary in nature, but the actual length is defined broadly as “so long as necessary.” Forty-one states and the District of Columbia have adopted the Family Violence Option: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New

York, North Carolina, North Dakota, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming. Each state determines which Federal requirements are to be waived.¹

TANF Reporting Requirements

Four times a year states have to report to DHS persons applying for TANF benefits whom the state knows are undocumented immigrants. The Attorney General of the United States has instructed state welfare agencies that they may request information on immigration status only about the person who will actually be applying for TANF. Battered immigrants who are asked questions about their own immigration status by welfare workers when they are not seeking benefits should tell the worker: "I am not seeking benefits for myself" and should refuse to provide any information about their immigration status to the TANF worker.

State TANF Programs

Twenty-one states have created substitute TANF programs that provide benefits during the five-year bar: California, Connecticut, Hawaii, Illinois, Iowa, Maine, Maryland, Minnesota, Nebraska, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Vermont, Washington, Wisconsin, and Wyoming.²

Emergency Medicaid

Emergency Medicaid is available to all immigrants. Even immigrants who are not legally in the U.S. and those who entered the U.S. after 8/22/96 and can't get most public benefits for five years are still immediately eligible for Emergency Medicaid. Emergency Medicaid covers labor and delivery, as well as treatment for medical conditions "with acute symptoms that could place the patient's health in serious jeopardy, result in impairment of bodily functions, or cause dysfunction of any bodily organ or part."

For more information, please contact Amanda Baran at 202-326-0040 or at abaran@legalmomentum.org.

¹ For more information on the Family Violence Option, please visit our website at <http://www.legalmomentum.org/issues/wel/domesticviolence.shtml>.

² For more information on state-by-state TANF coverage, please visit the National Immigration Law Center website at http://nilc.org/pubs/Guide_update.htm.