October 5, 2026

Internal Revenue Service
Department of the Treasury
P.O. Box 7604, Ben Franklin Station
Washington, DC 20044

RE: IRS REG-119882-25: Application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to the Refunded Portion of Certain Federal Tax Credits (Docket Number IRS-2026-1057-0001: RIN 1545-BS06)
Submitted via: https://www.regulations.gov

On behalf of the undersigned organizations, we submit this comment in response to the Internal Revenue Service (IRS)'s Notice of Proposed Rulemaking on the "Application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to the Refunded Portion of Certain Federal Tax Credits" published in the Federal Register on August 20, 2026 (hereinafter "Proposed Rule").[1]

Our organizations assist, uplift, and advocate on behalf of immigrant survivors of domestic violence, sexual assault, child abuse, human trafficking, and other forms of violence and exploitation. Given the focus of our work, **we strongly oppose the Proposed Rule and call for its immediate withdrawal,** because it undermines the well-being of immigrant survivors and their families.

I. Introduction

The Proposed Rule would consider certain refundable federal income tax credits to be a "federal public benefit" under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). It would affect access to credits such as the Adoption Tax Credit, the American Opportunity Tax Credit, the Additional Child Tax Credit (ACTC), and the Earned Income Tax Credit (EITC). Immigrants who are not considered "qualified" under PRWORA, even those with lawful immigration status, would lose access to the refundable portions of these credits.[2] Studies show that this would impact hundreds of thousands of U.S. citizen children.[3]

---

[1] Notice of Proposed Rulemaking and Notice of Public Hearing "Application of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to the Refunded Portion of Certain Federal Tax Credits (August 20, 2026), available at https://www.govinfo.gov/content/pkg/FR-2026-08-20/pdf/2026-16985.pdf (Hereinafter "Proposed Rule").

[2] 8 U.S.C. 1641; The term used in PRWORA and the Proposed Rule is "qualified alien"; This document will use the term, "immigrant" or "noncitizen."

[3] Kris Cox "In Radical Departure From Long-Standing Policy and Federal Law, Trump Administration Proposes New Regulation to Take Tax Credits Away From Many Families That Include Immigrants With Lawful Status." Center on Budget and Policy Priorities, 14 Sept. 2026, available at https://www.cbpp.org/research/federal-tax/in-radical-departure-from-long-standing-policy-and-federal-law-trump;

This unprecedented action reverses over 30 years of established law and policy. The U.S. District Court for the District of Rhode Island recently struck down similar policies limiting benefits under PRWORA.[4] The Proposed Rule would create new barriers for immigrant survivors of domestic violence, sexual assault, human trafficking, and other crimes– who may rely on these credits to support themselves and their families. This comment focuses particularly on loss of access to the Earned Income Tax Credit (EITC) and Child Tax Credit (CTC) as they are two of the most effective anti-poverty programs in the United States.[5]

II. Survivors Impacted by the Proposed Rule

The Proposed Rule does not alter access to tax credits for survivors who qualify for public benefits under PRWORA as "qualified" immigrants,[6] including certain victims of domestic violence and human trafficking. Under PRWORA, some immigrant survivors of domestic violence and child abuse can be considered "qualified" immigrants if they meet specific criteria.[7] Similarly, survivors of human trafficking may be considered "qualified" immigrants if they have been granted T nonimmigrant status or have a pending application that sets forth a prima facie case for status.[8]

Even so, we are deeply concerned about lawfully present immigrant survivors who would be denied access to the refundable portion of tax credits under the Proposed Rule because they are not considered "qualified" immigrants under PRWORA. These include survivors granted U nonimmigrant status,[9] those who have been granted Special Immigrant Juvenile classification, survivors with Temporary Protected Status (TPS) or Deferred Action for Childhood Arrivals (DACA), survivors with legal status as nonimmigrant visa holders, and

---

[4] *State of New York, et al v. U.S. Department of Justice, et al,* C.A. No. 1:25-cv-00345-MSM-PAS (September 21, 2026), available at https://storage.courtlistener.com/recap/gov.uscourts.rid.60060/gov.uscourts.rid.60060.114.0.pdf; This includes striking down the A.G. Order No. 6335-2025, 90 FR 32023 (July 11, 2025), cited in the Proposed Rule.

[5] Research to Action Hub for Children and Immigrant Families "New Estimates of the Total Number of People and Children in Immigrant Families who Could Lose Eligibility for the Refundable Portions of the Earned Income Tax Credit and Child Tax Credit." (September 2026), available at https://www.diversitydatakids.org/sites/default/files/file/New%20estimates%20people%20children%20who%20could%20lose%20EITC%20CTC%20eligibility_4.pdf

[6] Note that several classifications of immigrants may be considered qualified for benefits under the law including Legal Permanent Residents (Green Card holders), asylees, refugees, certain domestic violence victims and victims of human trafficking, parolees, among others. The Proposed Rule would not apply to these categories of individuals. See 8 U.S.C. 1641.

[7] *See* 8 U.S.C. 1641(c);To qualify, survivors in this category must show they have experienced battery or extreme cruelty by certain U.S. citizen or lawful permanent resident family members in United States, are no longer residing with their abuser, and have a pending or approved Violence Against Women Act (VAWA)-based or family-based filing with the U.S. Citizenship and Immigration Services (USCIS) that sets forth a prima facie case). *See also* Social Security Administration, Program Operations Management Systems "SI 00502.116 "Deemed Qualified Alien" Status Based On Battery Or Extreme Cruelty By A Family Member" Available at https://secure.ssa.gov/poms.nsf/lnx/0500502116 Also, an important and critical note is that the recent enactment of the One Big Beautiful Bill Act of 2025 curtails access to SNAP, Medicaid, Medicare and premium tax credits for ACA coverage for these victims as "qualified immigrants."

[8] This also includes individuals granted continued presence or those who have a certification letter from the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR). *See* 8 U.S.C. 1641(c)(4).

[9] U nonimmigrant status is granted to victims of certain qualifying criminal activities (including domestic violence, sexual assault, stalking, human trafficking and other crimes) who have suffered harm and can demonstrate helpfulness to the investigation or prosecution of crimes committed against them. 8 U.S.C. 1101(a)(15)(U). This protection was created by a bipartisan majority in Congress to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute" certain serious crimes "while offering protection to victims of such offenses and keeping with the humanitarian interests of the United States." *See* §1513(a)(2)(A), Public Law No: 106-386, 114 Stat. 1464.

asylum applicants, among others. For example, if a U visa petitioner who is a survivor of domestic violence has a favorable bona fide determination, they may have access to work authorization and a Social Security Number. They may be eligible to utilize the EITC or ACTC for their U.S. citizen children. Under the Proposed Rule, they would lose access to the refundable portions of these credits, which impacts their financial security and ability to provide for their family. Even after U nonimmigrant status is granted (which can now take well over a decade given the statutory cap and multi-year backlog), a survivor would remain ineligible throughout the multi-year period before they can apply for their Green Card. In total, a survivor and their U.S. citizen children could be denied these credits for well over a decade.

III. Economic Abuse & Gender-based Violence As Barriers to Safety

The Proposed Rule would end access to a refundable portion of tax credits for survivors, such as U visa holders, who are currently eligible. This is especially harmful for survivors who have experienced significant health, employment, educational, and financial consequences as a result of the abuse they have experienced.

Domestic and sexual violence are pervasive nationwide. More than 34% of women and 17% of men experienced contact sexual violence, physical violence, or stalking by an intimate partner during their lifetime.[10] Research cited by the Centers for Disease Control and Prevention (CDC) indicates that intimate partner victimization is associated with economic, food, and housing insecurity.[11] Abusers commonly prevent survivors from accessing or acquiring financial resources in order to maintain power and control in the relationship.[12] Survivors may be forced to stay with abusers because they depend on them for financial support or housing. In one study, 99% of domestic violence victims reported experiencing economic abuse.[13] In another, two-thirds of respondents said their abusive partner's behavior negatively impacted their educational and job training opportunities.[14]

The National Immigrant Women's Advocacy Project (NIWAP) found that immigrant survivors commonly experience economic abuse that increases their dependence on their

---

[10] Centers for Disease Control and Prevention. "About Intimate Partner Violence", available at https://www.cdc.gov/intimate-partner-violence/about/index.html.
[11] NISVS. "An Overview of Intimate Partner Violence in the United States — 2010 Findings", a https://www.wvdhhr.org/wvhomevisitation/pdf/IntimatePartnerViolenc_FactSheet.pdf
[12] National Network to End Domestic Violence. "Financial Abuse Fact Sheet" available at: https://nnedv.org/wp-content/documents/Financial%20Abuse%20Fact%20Sheet%20-%20May%202025%20EN.pdf
[13] Adrienne E. Adams. CFS Research Brief 2011-5.6 "Measuring the Effects of Domestic Violence on Women's Financial Well-Being"Center for Financial Security, University of Wisconsin-Madison, available at https://minds.wisc.edu/items/dd89c44a-b00b-467a-82fd-4fcd0e0e6494
[14] Cynthia Hess, Ph.D. and Alona Del Rosario M.A. "Dreams Deferred: A Survey on the Impact of Intimate Partner Violence on Survivors' Education, Careers, and Economic Security," Institute for Women's Policy Research, available at https://iwpr.org/dreams-deferred-a-survey-on-the-impact-of-intimate-partner-violence-on-survivors-education-careers-and-economic-security/

abusers.[15] In 2022, Her Justice also released a comprehensive policy report surveying their clients, which revealed:

- While suffering from abuse and lacking immigration status, 86% of the participants in the survey were denied equal access to family money by their abusers;[16]
- 76% of participants said their abusive partners threatened to withhold money from them; and
- 71% said abusers used this power over financial resources to control their behavior. [17]

Economic abuse can have devastating long-term effects on survivors' quality of life, financial security, and independence.[18] Furthermore, domestic violence can cause survivors who were not previously low-income to fall into poverty, as research links domestic violence to increased risks of unemployment and homelessness.[19] "Violence undermines a survivor's ability to work, find a safe place to live, and do what's necessary to lead a stable life."[20] The Centers for Disease Control and Prevention (CDC) estimates that the lifetime economic costs associated with medical services for intimate partner violence (IPV) related injuries, lost productivity from paid work, criminal justice, and other costs are $5.6 trillion.[21] The cost of IPV over a victim's lifetime was $135,000 for women and over $30,000 for men.[22] Studies estimate that 59% of these total costs go toward medical related expenses.[23] Similarly, the estimated lifetime cost of rape was $122,461 per victim.[24]

IV. How Tax Credits Help Survivors of Violence

Access to tax credits can serve as a critical bridge to safety and stability, allowing

---

[15] Leslye E. Orloff, J.D., et al., American University, National Immigrant Women's Advocacy Project, Transforming Lives: How the VAWA Self-Petition and U visa Change the Lives of Survivors and Their Children After Employment Authorization and Legal Immigration Status (June 8, 2021), available at https://niwaplibrary.wcl.american.edu/pubs/transforming-lives-final-report/

[16] Her Justice. "Stories from Immigrant Survivors of Gender-Based Violence: The Impact of Work Authorization" (2022), available at https://herjustice.org/wp-content/uploads/2023/11/Her-Justice-Policy-Report-Impact-of-Work-Authorization.pdf (hereinafter "Her Justice Report")

[17] Her Justice Report at 24.

[18] Laura Johnson et al. "Examining the impact of economic abuse on survivors of intimate partner violence: a scoping review" National Library of Medicine. (2022), available at https://pmc.ncbi.nlm.nih.gov/articles/PMC9121607/

[19] Center for Budget and Policy Priorities. "TANF and Domestic Violence: Cash Assistance Matters to Survivors (October 21, 2021), available at https://www.cbpp.org/research/income-security/tanf-and-domestic-violence-cash-assistance-matters-to-survivors. See also Domestic Violence Housing First. "The Intersection of Domestic Violence and Homelessness (June 2013) available at https://wscadv.org/wp-content/uploads/2015/05/IntersectionPaperDVHF.pdf

[20] Center for Budget and Policy Priorities. "TANF and Domestic Violence: Cash Assistance Matters to Survivors (October 21, 2021), available at https://www.cbpp.org/research/income-security/tanf-and-domestic-violence-cash-assistance-matters-to-survivors

[21] Centers for Disease Control and Prevention. "About Intimate Partner Violence", available at https://www.cdc.gov/intimate-partner-violence/about/index.html.

[22] *Id.*

[23] Peterson C, Kearns MC, McIntosh WL, Estefan LF, Nicolaidis C, McCollister KE, & Florence C. "Lifetime Economic Burden of Intimate Partner Violence Among U.S. Adults. American Journal of Preventive Medicine, (October 2018), available at https://stacks.cdc.gov/view/cdc/59509

[24] Peterson C, DeGue S, Florence C, Lokey CN. Lifetime Economic Burden of Rape Among U.S. Adults. Am J Prev Med.(June 2017), available at https://pubmed.ncbi.nlm.nih.gov/28153649/

survivors to rebuild their lives following abuse and improve their economic security. The IRS itself notes that survivors of domestic violence may be eligible for the EITC if they are eligible to file as "head of household" and the Child Tax Credit may reduce a survivor's tax liability or increase their refund for each qualifying child.[25] According to the National Women's Law Center:

> "Refundable tax credits like the EITC and CTC can keep families out of poverty and improve children's health and educational outcomes.[26] Refunds from refundable tax credits can provide much-needed economic support for survivors that allows them to open a bank account, put down a security deposit, or meet other pressing needs to help them leave an abusive relationship."[27]

The CDC similarly cites research showing that the EITC and Child Tax Credit can help lift families out of poverty, a risk factor for intimate partner violence:

> "Analyses of the use of tax credits shows that families mostly use them to cover necessities as well as to obtain additional education or training to improve employability and earning power. Survivors of [intimate partner violence] often experience unemployment or underemployment, economic instability, and poverty as a result of the abuse they experience. The EITC is associated with increases in both maternal employment and earnings, ***both of which can help women leave an abusive relationship***"[28]

Recent reports demonstrate that under the Proposed Rule approximately 602,000 people, including 279,000 children, live in families that could lose eligibility for the EITC.[29] Access to these programs can make a tremendous difference for survivors. One program shared the story of "Susanna." "When Susanna made a plan to keep herself and her children safe from her abuser, she incurred debt for an emergency stay in a hotel and basic living expenses after being cut off from a joint account. At tax time, she accessed a local Volunteer Income Tax Assistance (VITA) site, where a trained volunteer told her that because she worked and had two young children, she was eligible for the Earned Income Tax Credit. The EITC allowed her to pay off the $700 of debt she had on a high-interest credit card, start an emergency savings account, and enroll in an Individual Development Account Program. The

---

[25] Department of the Treasury. Internal Revenue Service. "Tax Information for Survivors of Domestic Abuse Tax Benefits and Credits." Publication 3865 (Rev. 11-2022), available at https://www.irs.gov/pub/irs-pdf/p3865.pdf

[26] Taxra Mitchell. "Economic Security Programs Help Low Income Children Succeed Over Long Term" Center for Budget and Policy Priorities (July 17, 2017), available at https://www.cbpp.org/blog/economic-security-programs-help-low-income-children-succeed-over-long-term

[27] Sarah Hassmer. "How Tax Credits Can Help Domestic Violence Survivors (April 12, 2019), available at https://nwlc.org/how-tax-credits-can-help-domestic-violence-survivors/

[28] Centers for Disease Control and Prevention. National Center for Injury Prevention and Control, Division of Violence Prevention. "Preventing Intimate Partner Violence Across the Lifespan: A Technical Package of Programs, Policies, and Practices" (2017) [Emphasis added] available at https://web.archive.org/web/20240222164221/https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf Citing Marr, C., Huang, C. C., Sherman, A., & DeBot, B. (2015). EITC and child tax credit promote work, reduce poverty, and support children's development, research finds. Washington, D.C.: Center on Budget and Policy Priorities. Retrieved July 2016 from http://www.cbpp.org/sites/default/files/atoms/files/6-26-12tax.pdf.

[29] See note 5, *supra.*

EITC provided an opportunity for this family to create safety, stability, and most importantly, a pathway out of poverty."[30]

The CTC is likewise one of the most effective tools for reducing poverty and material hardship among families with children. In 2024, the CTC reduced the child poverty rate by 20%, from 16.6% to 13.2%.[31] A National Academies of Sciences, Engineering, and Medicine report showed that in 2021, the combined effect of the EITC and CTC (due mainly to the CTC expansion) lowered the child poverty rate 2.9%, lifting almost half (more than 2 million) of poor children above the poverty line.[32] And yet, the Proposed Rule would mean that over one million people, including 523,000 children, could lose eligibility for the ACTC, the refundable portion of the federal CTC.[33]

As noted above, U visa holders, asylum seekers, and survivors with DACA, TPS, or nonimmigrant status may have a Social Security Number (SSN) and therefore may be eligible for the EITC under the current law.[34] For the CTC, a child must be a U.S. citizen, national or resident and have an SSN to be eligible, and the law now requires that parents claiming the credit also have SSNs.[35] Many work-authorized noncitizens who are not "qualified" under PRWORA may lose their eligibility to claim the refundable portion of the CTC for their children, many of whom are U.S. citizens. The Proposed Rule would make those children ineligible for this vital family support.

V. The Proposed Rule Will Cause Unnecessary Confusion and Hardship for Survivors and their Families

The Proposed Rule does not exist in a vacuum; it represents one piece of a larger effort to create barriers to the economic security of immigrant families. It compounds the harm of other recent policy changes, including changes to access to benefits under the One Big Beautiful Bill Act (OBBBA), the Department of Homeland Security (DHS) 2026 Public Charge Ground of Inadmissibility rule, and limits to access to work authorization, among others.

Determining who is a "qualified immigrant" is particularly complicated in light of the many shifting policies. The OBBBA changed immigrant eligibility for certain benefits and tax

[30] National Network to End Domestic Violence" Keep Survivors Out of Poverty with Working Family Credits." (Dec. 4, 2015), available at https://nnedv.org/latest_update/keep-survivors-out-of-poverty/

[31] Sophie Collyer et al. "How the U.S. child tax credit has benefited children over time: historical trends in eligibility, poverty, and income inequality." International Tax and Public Finance, 2026. Available at: https://rdcu.be/frwRk.

[32] National Academies of Sciences, Engineering, and Medicine. Pathways to Reduce Child Poverty: Impacts of Federal Tax Credits, 2026. Available at: https://doi.org/doi:10.17226/29163

[33] Research to Action Hub for Children and Immigrant Families "New Estimates of the Total Number of People and Children in Immigrant Families who Could Lose Eligibility for the Refundable Portions of the Earned Income Tax Credit and Child Tax Credit." (September 2026), available at https://www.diversitydatakids.org/sites/default/files/file/New%20estimates%20people%20children%20who%20could%20lose%20EITC%20CTC%20eligibility_4.pdf

[34] *Id.* To receive the EITC, all family members on the tax return must have a SSN.

[35] *Id.* Under the final law, a married couple filing jointly may claim the credit if at least one spouse has a qualifying SSN; if both parents are without an SSN, they cannot claim the credit even if the child is a U.S. citizen. *See also* Tax Policy Center. "What is the child tax credit?" available at https://taxpolicycenter.org/briefing-book/what-child-tax-credit

credits, but did not change who is a "qualified immigrant" under PRWORA. Qualified survivors including eligible domestic violence and human trafficking survivors who lost Medicaid or SNAP eligibility under the new immigration restrictions may wrongly conclude that they are no longer "qualified" immigrants for purposes of these tax credits. This confusion may deter eligible survivors from claiming tax credits for which they remain eligible, further undermining the economic stability these credits are intended to provide.

VI. Conclusion

The Proposed Rule puts immigrant survivors of domestic violence, sexual assault, and human trafficking at greater risk by denying them access to these critical tax credits. The CTC and the EITC provide critical financial resources that can help survivors meet immediate needs associated with leaving abuse and support longer term safety and stability for themselves and their families.[36] Restricting access to refundable credits will therefore inflict harm on immigrant survivors who already may face significant economic barriers. For these reasons, we strongly urge the IRS to withdraw the Proposed Rule in its entirety.

Respectfully submitted,

Asian Pacific Institute on Gender-based Violence
ASISTA Immigration Assistance
Esperanza United
Freedom Network USA
Her Justice
Survivor Justice Center
Tahirih Justice Center
The New York City Anti-Violence Project
Young Center for Immigrant Children's Rights

[36] Futures without Violence. "Tax Credits Are Crucial for Safe and Thriving Families" (January 2025), available at https://futureswithoutviolence.org/wp-content/uploads/2025/03/Tax-Credits-Crucial-for-Families-4.pdf