

To: Democracy 2025 Partners  
 From: Democracy Forward Foundation  
 Date: February 11, 2026  
 Re: Alert: New U.S. Department of Justice Award Condition Limits the Ability of  
 Both Noncitizen and Citizen Survivors of Crime to Access Key Services and Benefits

The purpose of this memo is to alert potential grantees, practitioners in the space, and other interested parties to a new, concerning award condition that the U.S. Department of Justice (DOJ) Office of Justice Programs (OJP) is imposing on grantees of two Office for Victims of Crime (OVC) funded programs. For the first time, OVC is requiring compliance with a new condition that would substantially limit benefits and services to noncitizen survivors of crime, and could also obstruct U.S. citizen access to victim-services and benefits. Partners might want to consider whether litigation is appropriate in response to this new condition.

### **This Condition is Novel**

The new award condition prohibits grantees from providing life-saving services to noncitizen victims of crime, and because of its reach, could jeopardize the provision of these life-saving services to U.S. crime victims as well. The new condition is being imposed on OVC grantees for Fiscal Year 2025 through the [Services for Victims of Crime](#) program and [Emergency and Transitional Pet Shelter and Housing Assistance for Victims of Domestic Violence](#) program, (“the two OVC programs”). On Wednesday, January 28, 2026, OJP issued award offers to [48 organizations](#) under the two new OVC programs. Awardees have 45 days to review and accept the terms of the award. Awardees (and subgrantees) in these programs, practitioners, victims’ advocates, and other interested parties are encouraged to carefully review this new award condition.

This is the first time awardees have been made aware of this condition. It was not included in the August 2025 award solicitation notification<sup>1</sup> nor in OJP’s “General Award Conditions.”<sup>2</sup> The new condition is one of several special conditions applied to all awards under the two OVC programs.<sup>3</sup>

This is also the first time that DOJ has imposed this specific condition on any awards. In September 2025, DOJ amended the [DOJ Financial Guide](#) to prohibit grantees and subgrantees

<sup>1</sup> [Services for Victims of Crime](#) and [Emergency and Transitional Pet Shelter and Housing Assistance for Victims of Domestic Violence Program](#).

<sup>2</sup> [General Conditions for OJP Awards in FY 2025](#).

<sup>3</sup> All OJP award conditions are not assigned numbers that are consistent between programs. Therefore, it is not possible to identify this award condition by an assigned number.

from providing legal services to people who are not lawfully present except in limited circumstances (p. 102). This language was [challenged](#)<sup>4</sup> as violating requirements<sup>5</sup> that services under the two programs must be provided regardless of the victim’s immigration status. Consistent with those legal requirements, DOJ has agreed not to enforce this legal services restriction on Victims of Crime Act (VOCA) Victim Assistance grants and Violence Against Women Act (VAWA) grants.<sup>6</sup> However, that agreement does not cover these two new sets of OVC awards.

The two OVC programs fund critical services, including emergency and/or long-term hotline support, advocacy, medical support, legal advocacy, shelter, housing, mental health and psychological services, and other supportive services to crime victims. The new award condition, however, appears to prohibit grantees, with limited exceptions, from using program funding to provide benefits and services to survivors of crime who are not lawfully present in the United States. This condition could also force grantees to create costly verification procedures that could substantially hinder U.S. citizens and lawfully present noncitizens who are victims of crime from being able to access these services. For example, many survivors, regardless of their immigration status, do not have access to legal documentation that would enable them to demonstrate their legal status. Consequently, both noncitizens and citizens could be denied life-saving benefits and services because they are unable to provide proper documentation.

### What the Condition Requires

The new OVC condition states:

The recipient shall ensure that no funds provided under this award (or any subaward, at any tier) will be used to provide benefits or services to any removable alien (*see* 8 U.S.C. § 1229a(e)(2)) or any alien otherwise unlawfully present in the United States, but this prohibition shall not apply where such use is expressly authorized by law (or otherwise expressly allowable under the terms of this award) or where the prohibition would contravene any express

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<sup>4</sup> This was challenged in two separate cases: [Rhode Island Coalition Against Domestic Violence v. Bondi](#), 1:25-cv-00279 (D.R.I) (filed June 16, 2025) and [New York v. United States Department of Justice](#), 1:25-cv-00499 (D.R.I) (filed Oct. 1, 2025).

<sup>5</sup> These requirements are: the Violence Against Women Act, [34 U.S.C. §§ 12291–12514](#) (2022), and the [Victims of Crime Act \(VOCA\) Victim Assistance Rule](#), 28 C.F.R. § 94.103.

<sup>6</sup> DOJ agreed in *Rhode Island Coalition Against Domestic Violence v. Bondi* to not enforce this requirement as noted in a [letter to counsel](#), and agreed to not enforce this requirement with respect to Plaintiff states *New York v. DOJ*, as noted in the [stipulated dismissal](#) of that complaint.

requirement of any law, or of any judicial ruling, governing or applicable to the award.<sup>7</sup>

This condition relies on unclear and undefined terms, and as a result, could jeopardize service providers' ability to provide life-saving support to victims of crime, whether U.S. citizens or noncitizens. Specifically, it seems to ask service providers to:

- **Determine who is a “removable alien,”** which is a legal determination that can only be made by an immigration judge during specific proceedings (*see* [8 U.S.C. § 1229a\(c\)\(1\)](#)), or by trained immigration officers under the supervision of federal immigration officials. Service providers do not have legal authority to make this determination.
- **Determine who is “lawfully present” or “unlawfully present.”** There is no straightforward, consistent legal definition of these terms, and assessing lawful presence requires complex analyses that grantees do not have the expertise to conduct.
- **Determine which services fit within the two exception categories** (“expressly authorized by law” or “where the prohibition would contravene any express requirement of any law, or any judicial ruling, governing or applicable to the award”), which are broad and unclear categories.

These conditions are high-stakes for grantees and subgrantees: they come with potential civil, criminal, and administrative liabilities for accepting the award and not complying with this condition.<sup>8</sup> Grantees might check victims' citizenship before providing services, which could dramatically limit access for everyone: U.S. citizens often do not carry or have access to legal documents establishing citizenship. For example, a victim who has just fled an abusive relationship and is seeking hotline support may not have proof of citizenship.

As of February 10, 2026, this new condition only applies to the 48 [organizations](#) that received funding through these two OVC programs. Awardees may wish to consult with counsel before accepting awards with these conditions; partners may wish to challenge this new condition.

It is possible that DOJ will impose a similar condition on other grants programs in the future, or amend the [DOJ Financial Guide](#) (which applies to all DOJ grants) to include similar restrictions.

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<sup>7</sup> A link to the anti-noncitizen benefits' special condition language is not provided because it was not an OJP general special condition attached to all FY 2025 awards. *See* [General Conditions for OJP Awards in FY 2025](#). This award condition was attached to individual awards, which are not available online.

<sup>8</sup> *See* [General Conditions: for OJP Awards in FY 2025, Requirements of the award; incorporation by reference, remedies for non-compliance or for materially false statements](#).