Access to State-Funded Public Benefits in Maryland for Survivors,
Based on Immigration Status*

By: Monica Bates and Leslye E. Orloff

May 15, 2019

<table>
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<tr>
<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
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<td>Qualified Immigrant(^a)</td>
<td>HHS Certification</td>
<td>Lawfully Present</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>No federal eligibility, (^25)</td>
<td>Not eligible, (^27)</td>
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<td>TANF(^7)</td>
<td>Eligible with prima facie determination, subject to five-year</td>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry, (^11)</td>
<td>Human trafficking victims eligible: with HHS Certification (based)</td>
<td>Not eligible, (^18)</td>
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\(^a\) Federally funded public benefits are in non-italicized typeface and state-funded public benefits are italicized.

\(^b\) The chart shows eligibility based on immigration status. Applicants must also meet all other program eligibility requirements, such as income/resource limits. Children and other family members included in an individual’s immigration application receive the same access to public benefits as the applicant. When children qualify for federal or state public benefits, immigrant parents can file child-only benefits applications on their children’s behalf. Congress exempted from the public charge ground of inadmissibility immigrant applicants for immigration relief and lawful permanent residency through the following immigration benefits programs: VAWA self-petitioning (as defined in footnote “d”), VAWA cancellation of removal, VAWA suspension of deportation, U visas, and T visas. For technical assistance on benefits access for immigrant survivors please contact the National Immigrant Women’s Advocacy Project, American University, Washington College of Law at (202) 274-4457 or info@niwap.org. NIWAP would like to thank Michelle Aronowitz and Dean’s Fellows Alexandra Brown and Sandeep Purewal for their work in developing these state public benefits charts.

\(^c\) © National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2018. This publication was developed under grant number SJI-15-T-234 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.


\(^e\) See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see OFFICE OF THE CHIEF IMMIGRATION JUDGE, U.S. DEPT’ OF JUSTICE, OPERATING POLICY AND PROCEDURE MEMORANDUM 97-9; MOTIONS FOR “PRIMA FACIE” DETERMINATION AND VERIFICATION REQUESTS FOR BATTERED SPOUSES AND CHILDREN, http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/ (last visited Mar. 2, 2018).


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<td>TANF</td>
<td>bar for those who arrived on or after August 22, 1996.(^8) (After the first 12 months may be subject to deeming).(^9) In Maryland, qualified immigrants (including VAWA self-petitioners with prima facie determinations) are eligible for the Family Investment Program (FIP) Temporary Cash Assistance (TCA) may be affected by deeming.(^10)</td>
<td>T visa: with HHS certification or eligibility determination, eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.(^12) At the state’s discretion, T visa holders or applicants eligible as qualified immigrants with prima facie (bona fide) determination, subject to five-year bar for those who entered on or after August 22, 1996.(^13) In Maryland, qualified immigrants (including refugees, asylees, and T visa applicants with prima facie determinations) are eligible for Family Investment</td>
<td>on continued presence or a bona fide determination on a T visa application or with HHS eligibility determination (under 18).(^15) These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.(^16) Family members with T visa status are eligible without HHS certification or determination; they are eligible to the same extent as refugees and thus eligible regardless of date of entry.(^17) In Maryland, persons residing under color of law (including SIJS applicants) are eligible for Family Investment Program (FIP) Temporary Cash Assistance (TCA) may be affected by deeming.(^19)</td>
<td>to five-year bar for those who arrived on or after August 22, 1996.(^19) (may be subject to deeming).(^20) In Maryland, persons residing under color of law (including wait-list approved U visa applicants and U visa holders) are eligible for Family Investment Program (FIP) Temporary Cash Assistance (TCA) may be affected by deeming.(^23)</td>
<td>to five-year bar for those who arrived on or after August 22, 1996(^22) (may be subject to deeming).(^23) In Maryland, persons residing under color of law (including U visa applicants and U visa holders) are eligible for Family Investment Program (FIP) Temporary Cash Assistance (TCA) may be affected by deeming.(^26)</td>
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<td>VAWA Self-Petitioner</td>
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<td>Child Care</td>
<td>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care. They are also eligible for TANF-funded childcare subject to five-year bar for those who entered</td>
<td>Eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination.</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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<td>Eligible for CCDF-funded child care when eligible for state funded TANF.</td>
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<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
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<td>Child Care</td>
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<td>TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996&lt;sup&gt;34&lt;/sup&gt;</td>
<td>In Maryland, TANF-funded child care with no five-year bar&lt;sup&gt;45&lt;/sup&gt;</td>
<td>In Maryland, TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996&lt;sup&gt;41&lt;/sup&gt;</td>
<td>In Maryland, TANF-funded child care with no five-year bar&lt;sup&gt;42&lt;/sup&gt;</td>
<td>In Maryland, eligible for state funded child care when eligible for state funded TANF&lt;sup&gt;43&lt;/sup&gt;</td>
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<td>SNAP (Food Stamps)&lt;sup&gt;52&lt;/sup&gt;</td>
<td>Refugee/Asylee: Eligible with no additional conditions&lt;sup&gt;54&lt;/sup&gt;</td>
<td>Refugee/Asylee: Eligible with prima facie determination, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled. &lt;sup&gt;53&lt;/sup&gt;</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18)&lt;sup&gt;57&lt;/sup&gt;</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, under 35 to 6 years residency, 40 qualifying work quarters, elderly, or disabled&lt;sup&gt;67&lt;/sup&gt;</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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Refugee/Asylee: Eligible with prima facie determination, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled. <sup>53</sup> T visa: Eligible with prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled). Also eligible under the Trafficking

Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18) Family members with T visa status eligible without HHS certification or eligibility determination.

Not eligible. Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, under 35 to 6 years residency, 40 qualifying work quarters, elderly, or disabled.

Not eligible. Not eligible.
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<tr>
<th>SNAP</th>
<th>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</th>
<th>Victim Protection Act to the same extent as refugees.&lt;sup&gt;56&lt;/sup&gt;</th>
<th>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.&lt;sup&gt;59&lt;/sup&gt;</th>
<th>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</th>
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<tr>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</td>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status.&lt;sup&gt;71&lt;/sup&gt; Applicants must live in the state in which they apply, but are not required to live there for a certain amount of time in order to meet the WIC residency requirement.&lt;sup&gt;72&lt;/sup&gt; Applicants must also have an income at or below an income level or standard set by the State agency or be determined automatically income-eligible based on participation in certain programs (TANF, SNAP benefits, Medicaid).&lt;sup&gt;73&lt;/sup&gt; In Maryland, applicants should call the WIC office in their county to set up an appointment.&lt;sup&gt;74&lt;/sup&gt; In Maryland, income eligibility guidelines for those applying for their children is set according to household size.&lt;sup&gt;75&lt;/sup&gt;</td>
<td>Refugee: Eligible.&lt;sup&gt;77&lt;/sup&gt; Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.&lt;sup&gt;78&lt;/sup&gt; T visa: Eligible with prima facie determination on T</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18).&lt;sup&gt;80&lt;/sup&gt; Family members with T visa status eligible without HHS certification or</td>
<td>Not eligible.&lt;sup&gt;83&lt;/sup&gt;</td>
<td>Eligible upon filing SIJS application.&lt;sup&gt;64&lt;/sup&gt;</td>
<td>Eligible upon U visa wait list approval.&lt;sup&gt;85&lt;/sup&gt;</td>
<td>Not eligible.&lt;sup&gt;86&lt;/sup&gt;</td>
<td>Not eligible.&lt;sup&gt;87&lt;/sup&gt;</td>
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<th>Health Insurance Exchanges</th>
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<th>T Visa(^2/) Continued Presence ( ^3 )</th>
<th>Deferred Action for Childhood Arrivals (DACA) ( ^4 )</th>
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<td>Eligible with prima facie determination if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996. ( ^89 )</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar. ( ^94 )</td>
<td>T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees. ( ^95 )</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18). ( ^101 )</td>
<td>Eligible for emergency Medicaid regardless of immigration status. ( ^108 )</td>
<td>In Montgomery County, Maryland the Care for Kids program offers health care ( ^109 ) without immigration restrictions ( ^10 ) to children who reside in the county, are uninsured and not eligible for the Maryland Children’s Health Program, are under the age of 19, and have family income of 250% of the federal poverty level or less. ( ^113 )</td>
<td>In Maryland, lawfully present children and pregnant girls (including SIJS applicants) are eligible for medical assistance. ( ^111 )</td>
<td>In Montgomery County, Maryland the Care for Kids program offers health care ( ^112 ) without immigration restrictions ( ^10 ) to children who reside in the county, are uninsured and not eligible for the Maryland Children’s Health Program, are under the age of 19, and have family income of 250% of the federal poverty level or less. ( ^113 )</td>
<td>Eligible for emergency Medicaid regardless of immigration status. ( ^124 )</td>
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<td>In Maryland, lawfully present children and pregnant girls (including VAWA self-petitioners with prima facie determinations and children included in VAWA self-petitions) are eligible for medical assistance. ( ^96 )</td>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar. ( ^104 )</td>
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<td>In Montgomery County, Maryland, the Care for Kids</td>
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<td>program offers health care(^6) without immigration restrictions(^2) to children who reside in the county, are uninsured and not eligible for the Maryland Children’s Health Program, are under the age of 19, and have family income of less than 300% of the federal poverty level or less.(^1)</td>
<td>In Maryland, lawfully present children and pregnant girls (including T visa applicants with prima facie determination T visa and continued presence) are eligible for medical assistance.(^9)</td>
<td>In Maryland, lawfully present children and pregnant girls (including T visa applicants with prima facie determination T visa and continued presence) are eligible for medical assistance.(^9)</td>
<td>In Prince George’s County, Maryland limited coverage(^11) is available without regard for immigration statute for children under the age of 19 who are residents of the county, living in a household earning less than 300% of the federal poverty rate and who are uninsured or ineligible for the Maryland Child Health Program.</td>
<td>In Prince George’s County, Maryland limited coverage(^12) is available without regard for immigration statute for children under the age of 19 who are residents of the county, living in a household earning less than 300% of the federal poverty rate and who are uninsured or ineligible for the Maryland Child Health Program.</td>
<td>list approved U visa applicants) are eligible for medical assistance.(^12)</td>
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<td>CHIP</td>
<td>Full-Scope Medicaid&lt;sup&gt;132&lt;/sup&gt;</td>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
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<td>Eligible with prima facie determination if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;133&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;134&lt;/sup&gt;</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.&lt;sup&gt;139&lt;/sup&gt;</td>
<td>Human trafficking victims are eligible with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).&lt;sup&gt;146&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;154&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;158&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;164&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;171&lt;/sup&gt;</td>
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<td>T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.&lt;sup&gt;140&lt;/sup&gt;</td>
<td>In Maryland, lawfully present</td>
<td>In Prince George’s County Maryland limited coverage&lt;sup&gt;100&lt;/sup&gt; is available without regard for immigration statue for children under the age of 19 who are residents of the county, living in a household earning less than 300% of the federal poverty rate and who are uninsured or ineligible for the Maryland Child Health Program.</td>
<td>In Montgomery County, Maryland, the Montgomery Cares offers health care&lt;sup&gt;155&lt;/sup&gt; without immigration restrictions&lt;sup&gt;156&lt;/sup&gt; to adults who reside in the county, are uninsured and not eligible for the Maryland Child Health Program.</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;159&lt;/sup&gt;</td>
<td>In Maryland, lawfully present pregnant women</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.</td>
<td>In Montgomery County, Maryland, the Montgomery Cares offers health care&lt;sup&gt;172&lt;/sup&gt; without immigration restrictions&lt;sup&gt;73&lt;/sup&gt; to adults who reside in the county, are uninsured and not eligible for Maryland Children’s Health Program, and have family income of 250% of the federal poverty level or less.&lt;sup&gt;78&lt;/sup&gt;</td>
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<td>Full-Scope Medicaid</td>
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<td>pregnant women (including VAWA self-petitioners with prima facie determinations) are eligible for medical assistance.^{139}</td>
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<td>T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.^{141}</td>
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<td>In Montgomery County Maryland the Montgomery Cares offers health care^{146} without immigration restrictions^{137} to adults who reside in the county, are uninsured and not eligible for Maryland Children’s Health Program, and have family income of 250% of the federal poverty level or less.^{138}</td>
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<td>Exempt from five-year bar.^{147}</td>
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<td>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.^{148}</td>
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<td>Eligible for emergency Medicaid regardless of immigration status.^{149}</td>
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<td>In Maryland, lawfully present pregnant women (including refugees, asylees and T visa applicants with bona fide determinations) are eligible for medical assistance.^{142}</td>
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<td>In Montgomery County Maryland the Montgomery Cares offers health care^{143} without immigration restrictions^{144} to adults who reside in the county, are uninsured and not eligible for Maryland Children’s Health Program, and have family income of 250% of the federal poverty level or less.^{138}</td>
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<td>Eligible for Maryland Children’s Health Program and have family income of 250% of the federal poverty level or less.^{137}</td>
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<td>(including SIJS applicants) are eligible for medical assistance.^{150}</td>
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<td>In Maryland, lawfully present pregnant women (including wait-list approved U visa applicants) are eligible for medical assistance.^{166}</td>
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<td>In Montgomery County, Maryland, the Montgomery Cares offers health care^{167} without immigration restrictions^{162} to adults who reside in the county, are uninsured and not eligible for Maryland Children’s Health Program, and have family income of 250% of the federal poverty level or less.^{163}</td>
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<td>In Montgomery County, Maryland the Montgomery Cares offers health care^{168} without immigration restrictions^{169} to adults who reside in the county, are uninsured and not eligible for Maryland Children’s Health Program, and have family income of 250% of the federal poverty level or less.^{170}</td>
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<td>Children’s Health Program, and have family income of 250% of the federal poverty level or less.^{174}</td>
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<td><strong>Full-Scope Medicaid</strong></td>
<td><strong>VAWA Self-Petitioner</strong>&lt;sup&gt;d&lt;/sup&gt;</td>
<td><strong>Refugee, Asylee, T Visa</strong>&lt;sup&gt;1&lt;/sup&gt;</td>
<td><strong>T Visa&lt;sup&gt;2&lt;/sup&gt;/Continued Presence</strong>&lt;sup&gt;3&lt;/sup&gt;</td>
<td><strong>Deferred Action for Childhood Arrivals (DACA)</strong>&lt;sup&gt;4&lt;/sup&gt;</td>
<td><strong>Special Immigrant Juvenile Status (SIJS)</strong>&lt;sup&gt;5&lt;/sup&gt;</td>
<td><strong>U Visa (Upon wait list approval)</strong>&lt;sup&gt;6&lt;/sup&gt;</td>
<td><strong>U Visa Applicants</strong></td>
<td><strong>Undocumented</strong></td>
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<td><strong>Education- State Law</strong></td>
<td>At its community colleges, Maryland allows in-state tuition rates and access to institutional aid or scholarships for students who have graduated from a public or nonpublic secondary school in state or have received the equivalent of a high school diploma in the state. Eligibility for resident tuition at community colleges includes individuals who are undocumented as long as the appropriate documentation is provided to the community college.&lt;sup&gt;186&lt;/sup&gt;</td>
<td><strong>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid.</strong>&lt;sup&gt;181&lt;/sup&gt;</td>
<td><strong>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid.</strong>&lt;sup&gt;182&lt;/sup&gt;</td>
<td><strong>Not eligible for federal student aid.</strong>&lt;sup&gt;183&lt;/sup&gt;</td>
<td><strong>Eligible for federal student aid upon receipt of lawful permanent residency.</strong>&lt;sup&gt;184&lt;/sup&gt;</td>
<td><strong>Eligible for federal student aid upon receipt of lawful permanent residency.</strong>&lt;sup&gt;185&lt;/sup&gt;</td>
<td><strong>Not eligible for federal student aid.</strong>&lt;sup&gt;180&lt;/sup&gt;</td>
<td><strong>Not eligible for federal student aid.</strong>&lt;sup&gt;180&lt;/sup&gt;</td>
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<td><strong>Supplemental Security Income (SSI)</strong>&lt;sup&gt;187&lt;/sup&gt;</td>
<td>Eligible with prima facie determination if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.&lt;sup&gt;188&lt;/sup&gt;</td>
<td><strong>Refugees/Asylees: Eligible during first seven years after the status was granted.</strong>&lt;sup&gt;190&lt;/sup&gt; <strong>Trafficing victims: Eligible under the Victims of Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination</strong>&lt;sup&gt;197&lt;/sup&gt;</td>
<td><strong>Not eligible.</strong>&lt;sup&gt;190&lt;/sup&gt;</td>
<td><strong>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,</strong>&lt;sup&gt;199&lt;/sup&gt; subject to five-year bar.&lt;sup&gt;198&lt;/sup&gt;</td>
<td><strong>Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work,</strong>&lt;sup&gt;199&lt;/sup&gt; subject to five-year bar for those who arrived on or after August</td>
<td><strong>Not eligible.</strong>&lt;sup&gt;202&lt;/sup&gt;</td>
<td><strong>Not eligible.</strong>&lt;sup&gt;203&lt;/sup&gt;</td>
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<tr>
<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa(^2/) Continued Presence(^3)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^4)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^5)</td>
<td>U Visa (Upon wait list approval)(^6)</td>
<td>U Visa Applicants</td>
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<td>May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^{189})</td>
<td>Trafficking and Violence Protection Act of 2000 to the same extent as refugees.(^{191})</td>
<td>(under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees.(^{196})</td>
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<td>22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled.(^{200}) Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979.(^{201})</td>
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<td><strong>SSI</strong></td>
<td>T visa(^{192}): Eligible as a qualified immigrant with prima facie (bona fide) determination on T visa application if receiving SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.(^{193}) May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^{194}) This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.(^{195})</td>
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<td><strong>Driver’s License(^{204})</strong></td>
<td>Under the REAL ID Act, evidence of “lawful status” is required for a driver’s license to be accepted by a federal agency for official purposes.(^{205}) The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status;(^{206}) DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.(^{207}) In addition, DHS permits states to establish an “Exception Process” and Maryland provides an ID or driver’s license to otherwise eligible individuals who do not have evidence of lawful status or a Social Security if they can show that they filed a</td>
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Maryland provides an ID or driver’s license to otherwise eligible individuals who do not have evidence of lawful status or a Social Security if they can show that they filed a
### Driver’s License

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<tr>
<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visa/Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
<th>U Visa (Upon wait list approval)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td>Consider “Alternative Documents.”&lt;sup&gt;208&lt;/sup&gt;</td>
<td>Maryland requires the following documentation: &lt;ul&gt; &lt;li&gt;Proof of age, full name and identity (including Employment authorization document&lt;sup&gt;209&lt;/sup&gt;, Valid foreign passport with acceptable, valid visa, Permanent resident alien card (I-551 or similar document)) &lt;ul&gt; &lt;li&gt;The stage in the immigration application process at which most immigrant crime victims will receive full a state issued driver’s license is upon receipt of employment authorization.&lt;sup&gt;210&lt;/sup&gt;&lt;/li&gt; &lt;/ul&gt; &lt;/li&gt; &lt;li&gt;Proof of Maryland residence (applicants must submit 2 including U.S. High Report Card or transcript or Insurance card or policy)&lt;/li&gt; &lt;li&gt;Proof of social security number or eligibility for social security number&lt;/li&gt; &lt;li&gt;Proof of lawful status&lt;sup&gt;211&lt;/sup&gt;&lt;/li&gt; &lt;/ul&gt;</td>
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<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa² / Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁴</td>
<td>Special Immigrant Juvenile Status (SIJS)⁵</td>
<td>U Visa (Upon wait list approval)⁶</td>
<td>U Visa Applicants</td>
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<td>for all USDA rental housing unless and until a final determination of ineligibility. Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.</td>
<td>Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer. Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.</td>
<td>Income Housing Tax Credit property. and USDA²⁴ rental housing.</td>
<td>In Maryland, may be eligible to live in Low Income Housing Tax Credit property.</td>
<td>HUD² and USDA² rental housing.</td>
<td>In Maryland, may be eligible to live in Low Income Housing Tax Credit property.</td>
<td>property.</td>
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<td>Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.</td>
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<td>Upon receiving lawful permanent residency, eligible for USDA Section 514/516 Farm Labor Housing, USDA Section 521</td>
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### Public and Assisted Housing

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<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visa / Continued Presence</th>
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<td>Rural Rental Assistance, 224</td>
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<td>In Maryland, may be eligible to live in Low Income Housing Tax Credit property, 225</td>
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### Income Tax Credits

**Child Tax Credit:** Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes. A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN). Immigrants eligible to receive social security numbers include lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations, and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.

**Child and Dependent Care Tax Credit:** Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—

- A dependent child under the age of 13,
- A spouse who is unable to physically or mentally care for themselves, or
- An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.

The child or dependent must have a social security number or ITIN. Immigrants eligible to receive social security numbers include lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.

**Earned Income Tax Credit (EITC)**

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<tr>
<th>VAWA self-petitioners who: have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible</th>
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<tr>
<td>Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible</td>
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<tr>
<td>Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
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<td>DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
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<tr>
<td>SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
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<tr>
<td>Wait-list approved U visa applicants with work authorization and U visa holders granted lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are not eligible.</td>
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**Not eligible.**

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**Income Tax Credits**

- **Child Tax Credit:** Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes. A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN). Immigrants eligible to receive social security numbers include lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations, and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.

- **Child and Dependent Care Tax Credit:** Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—
  - A dependent child under the age of 13,
  - A spouse who is unable to physically or mentally care for themselves, or
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The child or dependent must have a social security number or ITIN. Immigrants eligible to receive social security numbers include lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.

**Earned Income Tax Credit (EITC)**

- **VAWA self-petitioners who: have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible**
  - Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible
  - Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).
  - DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).
  - SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).
  - Wait-list approved U visa applicants with work authorization and U visa holders granted lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are not eligible.

- **Not eligible.**
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<th>Legal Services</th>
<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
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<th>Deferred Action for Childhood Arrivals (DACA)</th>
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<tr>
<td>EITC</td>
<td>for the earned income tax credit (EITC), 269</td>
<td>eligible for the earned income tax credit (EITC), 277</td>
<td>income tax credit (EITC), 277</td>
<td>281</td>
<td>tax year 288 are eligible for the earned income tax credit (EITC), 289</td>
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<td>An immigrant who (or whose child) is battered or subjected to extreme cruelty, is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse</td>
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<td>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status, or spouses, parents, and unmarried children under age 21 of U.S. citizens, become eligible for full representation on any matter upon filing an application for</td>
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<td>lawful permanent residency.</td>
<td>Must be at least 11 years old.</td>
<td>Must be at least 11 years old.</td>
<td>Violence. Must be at least 11 years old.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance as a victim of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<td>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
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<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of prima facie determination.</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance.</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.</td>
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<td>The Office of Home Energy Programs</td>
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<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>U Visa Applicants</td>
<td>Undocumented</td>
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<td><strong>WAP and LIHEAP</strong></td>
<td>The Office of Home Energy Programs administers the Maryland Energy Assistance Program (MEAP), the Electric Universal Service Program (EUSP), and the Utility Service Protection Program (USPP).&lt;sup&gt;357&lt;/sup&gt;</td>
<td>heating/cooling and single-family weatherization assistance.&lt;sup&gt;362&lt;/sup&gt;</td>
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<td><strong>Federal Emergency Management Agency (FEMA) Assistance&lt;sup&gt;370&lt;/sup&gt;</strong></td>
<td>Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.&lt;sup&gt;371&lt;/sup&gt;</td>
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<td>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.&lt;sup&gt;372&lt;/sup&gt;</td>
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<td><strong>Federal Emergency Management Agency (FEMA)-Restricted Programs&lt;sup&gt;373&lt;/sup&gt;</strong></td>
<td>Upon receipt of prima facie determination: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA).&lt;sup&gt;374&lt;/sup&gt; Eligible for Emergency SNAP Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18) or family members with T visa status (no need for HHS certification or determination).&lt;sup&gt;376&lt;/sup&gt;</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).&lt;sup&gt;381&lt;/sup&gt;</td>
<td>Not eligible.</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).&lt;sup&gt;383&lt;/sup&gt;</td>
<td>Eligible for Emergency</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).&lt;sup&gt;385&lt;/sup&gt;</td>
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**Notes:**
- Refugee, Asylee, T Visa: Refugees, Asylees, individuals with T Visa.
- T Visa: Temporary Protected Status.
- Deferred Action for Childhood Arrivals (DACA): DACA.
- Special Immigrant Juvenile Status (SIJS): SIJS.
- U Visa: U Visa.
- WAP and LIHEAP: Weatherization Assistance Program and Low-Income Home Energy Assistance Program.
- D-SNAP: Disaster SNAP.
- FEMA Assistance Programs: Programs that provide emergency services.
- IHP: Individuals and Households Program.
- DUA: Disaster Unemployment Assistance.
- Emergency SNAP: Program that provides emergency food assistance.
- HHS: Health and Human Services.
- Not eligible: Individuals not eligible for certain programs.

*Figures and data are approximate and subject to change. Please consult the latest resources for the most accurate information.*
<table>
<thead>
<tr>
<th>FEMA-Restricted Programs</th>
<th>VAWA Self-Petitioner(^d)</th>
<th>Refugee, Asylee, T Visa(^1)</th>
<th>T Visa(^2/) Continued Presence(^3)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^4)</th>
<th>Special Immigrant Juvenile Status (SIJS)(^5)</th>
<th>U Visa (Upon wait list approval)(^6)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tbody>
<tr>
<td>VAWA Self-Petitioner(^d)</td>
<td>Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>open to Refugees/Asylees (no five-year bar), and T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>eligibility determination).</td>
<td>subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
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1. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a "prima facie" (bona facie) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).


5. See 8 U.S.C. § 1101(a)(27)(j) (Special Immigrant Juvenile Status (SIJS) allows certain youth immigrant survivors of abuse, abandonment, or neglect by a parent to obtain legal immigration status.).

6. See DEP’T OF HOMELAND SEC., U AND T visa LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES, AND OTHER GOVERNMENT AGENCIES 3 (2015), http://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/ (U visas benefit victims of certain crimes who have suffered severe physical or emotional abuse. If certain conditions are met, a U visa holder may apply for adjustment to lawful permanent resident status.); See CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING”
CHILDREN AND PREGNANT WOMEN 2 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/ (Upon wait list approval, U visa applicants receive deferred action and are considered lawfully present.).

7 According to Md. CODE REGS. 07.03.03.07, those permanently residing under the color or law may be eligible for Temporary Cash Assistance (TCA). In the state of Maryland, it is unclear whether DACA recipients are considered to be eligible for TCA.


9 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/. Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/


11 8 U.S.C. §§ 1612(b)(2)(A)(ii); 1613(b)(1). Federal eligibility for refugees and asylees extends for the first five years after attaining that status. However, if they have attained lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as an LPR by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. See Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.


16 Office on Trafficking in Persons, U.S. Dep’t of Health & Hum. Serv., OTIP-FS-16-01, Certification for Adult Victims of Human Trafficking Fact Sheet 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).


Eligibility Requirements, Md. CODE REGS. 07.03.03.07, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.07.htm (last visited July 3, 2018).


30 Eligibility Requirements, Md. CODE REGS. 07.03.03.07, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.07.htm (last visited July 3, 2018); Benish Anver & Leslye E. Orloff, Immigrant Crime Victim Child Care Access, NAT’L IMMIGRATION WOMEN’S ADVOCACY PROJECT (Mar. 13, 2013), http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/.


md. code regs. 07.03.03.07, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.07.htm (last visited july 3, 2018).


In determining child care development fund direct eligibility for subsidized child care, eligibility is based on the citizenship or immigration status of the child. the immigration status of the child’s parent or parents is not relevant to this determination. citizen and qualified immigrant children are directly eligible for all ccdf funded child care, including but not limited to child care provided by non-profit charitable organizations. u.s. department of health and human services, verification of citizenship and immigration status by non-profit organizations and head start grantees, in office of child care (may 2, 2008), https://www.acf.hhs.gov/occ/resource/pi-2008-01. nat’l immigration law ctr., guide to immigrant eligibility for federal programs 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. see 8 u.s.c. § 1641(c).

8 u.s.c. §§ 1612(b)(2)(A)(ii); eligibility is based on the citizenship or immigration status of the child. the immigration status of the child’s parent or parents is not relevant to this determination. citizen and qualified immigrant children are directly eligible for all ccdf funded child care, including but not limited to child care provided by non-profit charitable organizations. u.s. department of health and human services, verification of citizenship and immigration status by non-profit organizations and head start grantees, in office of child care (may 2, 2008), https://www.acf.hhs.gov/occ/resource/pi-2008-01. nat’l immigration law ctr., guide to immigrant eligibility for federal programs 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. see 8 u.s.c. § 1641(b)(1).


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See food & nutrition serv., u.s. dept’ of agric., supplemental nutrition assistance program (snap) (2017), https://www.fns.usda.gov/snap/eligibility (as with most public benefits, to obtain food stamps, individuals must also meet resource, income, and employment requirements. there is a pre-screening tool to determine if an individual might be eligible for nutrition assistance.); see also snap policy on non-citizen eligibility, u.s. dept’ of agric., supplemental nutrition assistance program, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed oct. 24, 2018). (in general, non-citizens who have lived in the u.s. for 5 years or more, are blind or disabled, are under the age of 18, were admitted for lawful permanent residence with 40 qualifying quarters or are lawfully residing and are on active duty in the u.s. army, air force, marine corps, or coast guard or honorably discharged are eligible.)


See 8 USC §1612(a)(2)(A) and (L). Directly eligible for SNAP as refugees and asylees for seven years. However, they retain eligibility past the seven years since they will have transitioned into qualified immigrant status, with indefinite eligibility for SNAP, after five years. See 8 U.S.C. § 1641(b)(2)-(3). See also Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf.


See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).


Five-year residency includes time in qualified status prior to turning 18. When SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S.C. § 1631; Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31-33, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).


SNAP Policy on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).  (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.).


See SNAP Policy on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).  (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.).


How To Apply For WIC, MD. DEP’T OF HEALTH, https://phpa.health.maryland.gov/wic/Pages/wic-apply.aspx (last visited July 3, 2018); See also Eligibility Criteria, MD. CODE REGS. 10.54.01.05, http://www.dsd.state.md.us/comar/comarhtml/10/10.54.01.05.htm (last visited July 3, 2018); Residency Eligibility Determination Process, MD. CODE REGS. 10.54.01.06, http://www.dsd.state.md.us/comar/comarhtml/10/10.54.01.06.htm (last visited July 3, 2018).


8 U.S.C. § 1641(b)(3); 45 C.F.R § 152.2(5) (2017) (“A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.”).


Chapter 17.4: Pre-Natal and Child Health Care For Immigrant Victims and Their Children (February 17, 2017), http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation.

Chapter 17.4: Pre-Natal and Child Health Care For Immigrant Victims and Their Children (February 17, 2017), http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation.


See 8 U.S.C. § 1641(c).


Prince George’s County Maryland, Care for Kids Program available at http://www.princegeorgescountymd.gov/2593/Care-for-Kids-Program (Limited health care includes: basic primary health care including physical and eye exams, well and sick child health care visits, laboratory testing, X-rays, immunization and mental health care).

8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


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Nat’l Immigration Law Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 17, 20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). See also 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


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123 Prince George’s County Maryland, Care for Kids Program available at http://www.princegeorgescountymd.gov/2593/Care-for-Kids-Program (Limited health care includes: basic primary health care including physical and eye exams, well and sick child health care visits, laboratory testing, X-rays, immunization and mental health care).


127 Prince Georges County Maryland, Care for Kids Program available at http://www.princegeorgescountymd.gov/2593/Care-for-Kids-Program (Limited health care includes: basic primary health care including physical and eye exams, well and sick child health care visits, laboratory testing, X-rays, immunization and mental health care).


131 Prince Georges County Maryland, Care for Kids Program available at http://www.princegeorgescountymd.gov/2593/Care-for-Kids-Program (Limited health care includes: basic primary health care including physical and eye exams, well and sick child health care visits, laboratory testing, X-rays, immunization and mental health care).


136 Primary Care Coalition of Montgomery County Maryland, Getting Covered a Tool for Helping Children and Families Access Health Care in Montgomery County Maryland (July 2014) available at http://www.primarycarecoalition.org/wp-content/uploads/2014/07/CareForKids_GettingCovered_English.pdf (Montgomery Cares offers a full range of health care for adults including: medical check-ups; prescriptions; lab tests, cancer screenings; access to specialists and other health care programs.)


139 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access to Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

140 22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

141 See 8 U.S.C. § 1641(c)(4).


143 Primary Care Coalition of Montgomery County Maryland, Getting Covered a Tool for Helping Children and Families Access Health Care in Montgomery County Maryland (July 2014) available at http://www.primarycarecoalition.org/wp-content/uploads/2014/07/CareForKids_GettingCovered_English.pdf (Montgomery Cares offers a full range of health care for adults including: medical check-ups; prescriptions; lab tests, cancer screenings; access to specialists and other health care programs.)


Primary Care Coalition of Montgomery County Maryland, *Getting Covered a Tool for Helping Children and Families Access Health Care in Montgomery County Maryland* 19 (July 2014) available at http://www.primarycarecoalition.org/wp-content/uploads/2014/07/CareForKids_GettingCovered_English.pdf (Montgomery Cares offers a full range of health care for adults including: medical check-ups; prescriptions; lab tests, cancer screenings; access to specialists and other health care programs.)


While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.


See also


206 See 6 C.F.R. § 37.11(g)1 (2012).

207 See 6 C.F.R. § 37.11(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEPT’OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresiding-medicaid-07-01-10-also-in-qualified-immigrants/ (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver’s licenses without waiting for work authorization. This may be an area for advocacy in individual cases).


209 VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.

210 VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.


216 Housing, MD. DEPT’OF DISABILITIES, http://mdod.maryland.gov/housing/Pages/Emergency-Housing.aspx (last visited July 3, 2018); See also Eligible Recipients, MD. CODE REGS. 05.05.03.06, http://www.dsd.state.md.us/comar/comarhtml/05/05.05.03.06.htm (last visited July 3, 2018).


See also 8 U.S.C. § 1485.


NIHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (“Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.”).

See Low Income Housing Tax Credit Program, DEP’T OF HOUS & COMMUNITY DEV., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. See, DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/; MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf. See also 8 U.S.C. § 1641(c).


See 7 C.F.R. § 3560.158(d); USDA MFH Asset Management Handbook HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in List of Supporting Documents for the Webinar: “Immigrant Access to Federally Assisted Housing” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).


See Low Income Housing Tax Credit Program, Dep’t of Hous & Community Dev., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including refugees, asylees and T-visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, Nat’l Immigr. L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).


See Low Income Housing Tax Credit Program, Dep’t of Hous & Community Dev., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, T visa applicants with a bona fide determination and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved. Nat’l Immigr. L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See also 22 U.S.C. 7105(b) (2005) (Applicants under 18 require only HHS eligibility determination (not certification).); Office on Trafficking in Persons, U.S. Dep’t of Health & Hum. Serv., OTIP-FS-16-01, Certification for Adult Victims of Human Trafficking Fact Sheet 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf.


May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from other unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

See Low Income Housing Tax Credit Program, Dep’t of Hous & Community Dev., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).


See Low Income Housing Tax Credit Program, DEP’T OF HOUS & COMMUNITY DEV., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).


See Low Income Housing Tax Credit Program, DEP’T OF HOUS & COMMUNITY DEV., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa wait list approved applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency applicants approved for the U visa wait list only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs.

See 7 C.F.R. § 3560.11 (2012).

See Low Income Housing Tax Credit Program, DEP’T OF HOUS & COMMUNITY DEV., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018). The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency, U visa applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs.

See 7 C.F.R. § 3560.11 (2012).
The Maryland Department of Housing and Community Development allocates the federal Low Income Housing Tax credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Undocumented immigrants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

See Low Income Housing Tax Credit Program, Dep’t of Hous & Community Dev., http://dhcd.maryland.gov/HousingDevelopment/Pages/lihtc/default.aspx (last visited July 3, 2018).

Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. See 45 C.F.R. §§ 1624.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1624.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1624.2(b) (1997) and 8 C.F.R. § 202.4(c)(1)(vi) (2012).

The abuse may have occurred either inside or outside of the U.S. See RONALD S. FLAGG, GENERAL COUNSEL & VICE PRESIDENT FOR LEGAL AFFAIRS, LEGAL SERVICES CORPORATION, PROGRAM LETTER 14-3: ASSESSING ELIGIBILITY OF ALIENS UNDER 45 C.F.R. § 1626.4(c)(1) (2014) (interpreting 45 C.F.R. § 1626.4(c)).

45 C.F.R. 1626.4 (b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.


297 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


308 See 45 C.F.R. § 1626.4(a)(2)(ii) (trafficking victim); 45 C.F.R. §§ 1626.4 (a)(1)(i) (trafficking victim); 45 C.F.R. § 1626.2(j) (“Victim of severe forms of trafficking” means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1626.4(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1626.4(a)(2)(ii) (seeking certification); 45 C.F.R. § 1626.2(j) (“Victim of severe forms of trafficking” means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1626.4(c)(1) (stating that to qualify for legal assistance by an LSC funded agency, the victim must be present in the U.S. at the time of the application for legal assistance, 45 C.F.R. § 1626.4(c)(2)(ii), and the trafficking must have occurred in the U.S. or violate U.S. law, 45 C.F.R. § 1626.4(c)(1), and the trafficking victim must be present in the U.S. at the time of the application for legal assistance).

309 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes);

Leslye E. Orloff, Britttnay Roberts & Stefanie Gitler, Batterling and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

45 C.F.R. §§ 1626.4(a)(1)(i) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWS, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1626.4 (b); see also Benish Anver, Henrissa Bassey & Lesly E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone-jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Lesly E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Lesly E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forcible detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.’). See Leslye E. Orloff, Brittney Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See Benish Anver, Henrisa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-regs-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrisa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrisa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

See 45 C.F.R. § 1626.5(a).


OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


331 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

332 To qualify for legal representation by an LSC funded agency, the abuse must either have occurred inside the U.S. or violated U.S. law. 45 C.F.R. § 1626.4(c)(1).

333 “Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).” 45 C.F.R. 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, Nat’l Legal Aid & Defender Ass’n Cornerstone Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-regs-cornerstone_jan-april-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

334 See 45 C.F.R. § 1626.5(a).


336 Office on Violence Against Women, U.S. Dep’t of Justice, FY 2018 Legal Assistance for Victims Grant Program Pre-Application Conference Call Tuesday, December 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


340 See 45 C.F.R. § 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slave
To qualify for legal representation by an LSC funded agency, the abuse must either have occurred in the U.S. or violated U.S. law. 45 C.F.R. § 1626.4(c)(1).

434 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-req-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

343 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


347 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.”) See Lesly E. Orloff, Brittiany Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

348 See 45 C.F.R. § 1626.4(a)(1)(i) (victim); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

349 The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

350 See also 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse...

351 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


357 See Purpose and Scope, MD. CODE REGS. 07.03.03.01, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.01.htm (last visited July 3, 2018); Definitions, MD. CODE REGS. 07.03.03.02, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.02.htm (last visited July 3, 2018); Eligibility for Assistance, MD. CODE REGS. 07.03.21.03, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.21.03.htm (last visited July 3, 2018) (Maryland Energy Assistance Program); Eligibility for Assistance, Md. Code Regs. 07.03.22.03, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.22.03.htm (last visited July 3, 2018) (Electric Universal Service Program).


360 See Purpose and Scope, MD. CODE REGS. 07.03.03.01, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.01.htm (last visited July 3, 2018); Definitions, MD. CODE REGS. 07.03.03.02, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.02.htm (last visited July 3, 2018); Eligibility for Assistance, MD. CODE REGS. 07.03.21.03, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.21.03.htm (last visited July 3, 2018) (Maryland Energy Assistance Program); Eligibility for Assistance, Md. Code Regs. 07.03.22.03, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.22.03.htm (last visited July 3, 2018) (Electric Universal Service Program).


362 See Purpose and Scope, MD. CODE REGS. 07.03.03.01, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.01.htm (last visited July 3, 2018); Definitions, MD. CODE REGS. 07.03.03.02, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.03.02.htm (last visited July 3, 2018); Eligibility for Assistance, MD. CODE REGS. 07.03.21.03, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.21.03.htm (last visited July 3, 2018) (Maryland Energy Assistance Program); Eligibility for Assistance, Md. Code Regs. 07.03.22.03, http://www.dsd.state.md.us/comar/comarhtml/07/07.03.22.03.htm (last visited July 3, 2018) (Electric Universal Service Program).


See American Red Cross and the Nat’l Council of La Raza, and NAT’L IMMIGRATION LAW CTR., Fact Sheet: Immigrant Eligibility for Disaster Assistance (June 2007), https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/.


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