

## U Visa Victim Immigration and Public Benefits Eligibility Process<sup>ab</sup>

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U-Visa applicants and their children are able to access government funded programs and services to the same extent as undocumented immigrants.<sup>1</sup> What state and federal public benefits an immigrant U visa victim and children included in their applications qualify to receive depends on:

- Whether the victim has filed a U visa application
- The stage that has been reached in the DHS processing of the victim's case at the time of victim's public benefits application
  - Application filed
  - Victim received deferred action following a bona fide determination or a waitlist approval of the victim's U visa application
  - Victim is a U visa holder
  - Victim was granted lawful permanent residency<sup>2</sup>
- When the victim first entered the United States
- The number of years that have passed since the victim became a qualified immigrant
- Age of the victim or child included in the victim's application (children under 18-years-old generally have more access to public benefits than do adult victims).

Immigrant victims of crime and abuse in some states may qualify for state funded benefits that are available to some immigrants who are ineligible for certain federal public benefits programs.<sup>3</sup> NIWAP has developed a state benefits map and a set of state-by-state public benefits charts that include detailed citations to state and federal laws and policies that assist judges, victim advocates, attorneys, prosecutors, law enforcement officers, and other professionals in determining whether and which state or federal public benefits an individual immigrant victim is eligible to receive.<sup>4</sup>

Since U Visa applicants and the children they include in their U-Visa applications are considered persons residing under color of law (PRUCOL), U Visa applicants may be eligible for some state-funded benefits in states that offer benefits to immigrants who are PRUCOL. Additionally, U visa recipients and U visa applicants who have been granted deferred action based on a bona fide determination or waitlist approval of their U visa case are considered lawfully present immigrants. As a result, they are eligible for some federal health care benefits and limited state funded benefits in some states.<sup>5</sup> However, among the forms of immigration relief available to immigrant victims of domestic violence, sexual assault, human trafficking and other crimes, U-Visa applicants and recipients have substantially less access to federal and state public benefits than other immigrant victims of crime or abuse. Violence Against Women Act (VAWA) self-petitioners, VAWA cancellation of removal applicants, VAWA suspension of deportation applicants, and trafficking victims with continued presence and/or pending or approved T-Visa applications all have more access to a greater number of state and federal public benefits than U visa holders receive. Similarly, abused children who file Special Immigrant Juvenile Status (SIJS) applications will gain lawful permanent residency through SIJS much more quickly than through the U visa program.<sup>6</sup>

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Many U visa eligible immigrant victims of domestic violence, child abuse, and/or human trafficking and/or the children who are included in their parent's U visa applications will also qualify to apply for immigration benefits through VAWA, SIJS, or a T Visa. For these potential U visa applicants, access to public benefits can be a significant factor that results in an immigrant survivor choosing to pursue a VAWA, SIJS, or T-Visa case instead of a U-Visa.<sup>7</sup>

### **Qualifying for a U-Visa<sup>8</sup>:**

#### **A victim must meet ALL of the following eligibility requirements to qualify for a U-Visa:**

- Is a victim or their child or stepchild is the victim of one (or more) of the following criminal activities (or similar activities) that violate federal, state, or local criminal law:
  - rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; stalking; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; torture; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes;
- Have information about the criminal activity;<sup>9</sup>
- Have been helpful, is being helpful, or is likely to be helpful in detection, investigation, prosecution, conviction, or sentencing of the criminal activity;<sup>10</sup>
- Can provide a certification from a judge, law enforcement official, prosecutor, or other state or federal agency authorized to issue certifications<sup>11</sup> regarding the victim's helpfulness;<sup>12</sup>
- The criminal activity occurred in the United States or violated U.S. law;
- The victim suffered "substantial physical or mental abuse" as a result of being the victim of the criminal activity;
- The victim is admissible to the United States or receives a waiver of inadmissibility; and
- A U-Visa applicant can be either the direct or indirect victim of the criminal activity.<sup>13</sup>

#### **Application Procedure for U-Visas Including When U Visa Applicants Become Qualified Immigrants:**

- The immigrant crime victim obtains a U-Visa certification from a judge, law enforcement agency, prosecutor's office or other certifying agency;
- The immigrant crime victim files the U-Visa application with attachments including the U-Visa certification form at the Violence Against Women Act (VAWA) Unit of the Vermont Service Center of the U.S. Citizenship and Immigration Services (USCIS). If the victim is also applying for a family member (e.g. a spouse, child, or parent), a supplemental application must be filed for each family member who is applying for a U-Visa. Applicants seeking work authorization for family members should include work authorization requests with the original application.
  - Victims with U visa applications on file are considered *PRUCOL* for public benefits purposes
- USCIS reviews the victim's U visa application and issues a bona fide determination or a waitlist approval and issues the U visa applicant deferred action status. It is at this point in the U visa victim's case where they are eligible to apply for work authorization.
  - Victims with deferred action status are considered *lawfully present* for access to healthcare and driver's license purposes.<sup>14</sup>
  - Victims with legal work authorization become eligible for unemployment insurance benefits.<sup>15</sup>
- The victim waits in line for their U visa to be approved.<sup>16</sup>
- If the U-Visa is approved, the visa lasts four years.
- U-Visa recipients can apply for lawful permanent residency after three years by proving –

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- That the victim either continued to provide assistance or did not unreasonably refuse to provide assistance in the investigation or prosecution or the criminal activity; and
- The victim's continued presence in the U.S. is justified on humanitarian grounds, to ensure family unity, or is in the public interest.
- Upon receiving lawful permanent residency, U visa victims become qualified immigrants eligible for some state and federal public benefits.<sup>17</sup>

### **Federal and State<sup>18</sup> Funded Public Benefits and Other Government Funded Programs Available to Approved U-Visa Applicants:**

In most states U Visa applicants have very limited access to state and federal public benefits until they have been granted lawful permanent residency. Despite this fact, U visa applicants are eligible to receive help from programs that are open to all immigrants regardless of status including benefits and services necessary to protect life and safety.<sup>19</sup> In 16 states, U visa victims and all immigrants can access prenatal care and 13 states grant access to drivers' licenses without immigrant restrictions.<sup>20</sup> Access to state and federally funded public benefits for U visa victims varies widely by state and by public benefits program.<sup>21</sup> In some states U visa applicants begin to gain access to some state funded public benefits (which benefits vary by state) when the U visa applicant has:<sup>22</sup>

- Filed the U visa application as persons residing under color of law (PRUCOL):
  - CA, MA, ME, NY, PA, WA
- Received deferred action following a bona fide determination or waitlist approval in the victim's U visa case. The victim is lawfully present this leads to access to:
  - State funded TANF in 3 states;
  - State funded food assistance in 2 states; and
  - State funded medical assistance for
    - Children and pregnant women in 22 states
    - Children in 9 states;
    - Pregnant women in 1 state.
- U visa victims gain the ability to apply for and be granted legal work authorization once they are granted deferred action for their U visas. With work authorization U visa applicants and U visa holders are eligible for:
  - Federal unemployment insurance<sup>23</sup>
  - Driver's licenses in 31 states.<sup>24</sup>

Immigrants who are or become "qualified immigrants" and who entered the U.S. before August 22, 1996, are generally eligible for the same federal means-tested public benefits, federal public benefits, and federally funded social services available to U.S. citizens, except for SSI and Food Stamps. Immigrants who become "qualified immigrants" and who entered the United States on or after August 22, 1996, however, are barred from receiving federal means-tested benefits during the first five years after obtaining qualified immigrant status. U visa applicants become qualified immigrants after they gain lawful permanent residency.<sup>25</sup>

In addition to the state funded benefits that may be offered in the U visa applicant's state, all qualified immigrants, including U visa holders who became lawful permanent residents, have immigrant eligibility to access the following federal public benefits programs.<sup>26</sup> To receive any of the following benefits the qualified battered immigrant applicant will also be required to meet the program's eligibility criteria that apply to all applicants.

### The Department of Agriculture

- Supplemental Nutrition Assistance Program (SNAP formerly Food Stamps)—*eligible upon receiving lawful permanent residency, subject to 5 year bar and additional conditions.*<sup>27</sup>
- Federal Crop Insurance—*open to all, no immigrant restrictions.*<sup>28</sup>
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC)—*open to all, no immigrant restrictions*<sup>29</sup>
- Section 515 and Section 514/516 programs receiving Rural Development rental assistance— *eligible upon lawful permanent residency.*<sup>30</sup>
- Rural Development Voucher Program— *eligible lawful permanent residency.*<sup>31</sup>
- Section 514 Farm Labor Housing— *eligible lawful permanent residency.*<sup>32</sup>
- Section 502 Direct Homeownership Loan Program— *eligible lawful permanent residency.*<sup>33</sup>
- Section 504 Minor Rehabilitation Loan and Grant Programs for Single Family Homes— *eligible upon prima facie determination.*<sup>34</sup>

### The Department of Education

- Title IV Federal Student Financial Aid—*eligible upon receiving lawful permanent residency.*<sup>35</sup>

### The Department of Health and Human Services<sup>36</sup>

- Adoption Assistance—*eligible upon lawful permanent residency.*<sup>37</sup>
- Administration on Developmental Disabilities (ADD) —*eligible for each of the following upon lawful permanent residency.*<sup>38</sup>
  - State Developmental Disabilities Councils (direct services only) —*eligible upon lawful permanent residency.*<sup>39</sup>
  - ADD-Special Projects (direct services only) —*eligible upon lawful permanent residency.*<sup>40</sup>
  - ADD-University Affiliated Programs (clinical disability assessment services only) —*eligible upon lawful permanent residency.*<sup>41</sup>
- Adult Programs/Payments to Territories—*eligible upon lawful permanent residency.*<sup>42</sup>
- Agency for Health Care Policy and Research Dissertation Grants—*eligible upon lawful permanent residency.*<sup>43</sup>
- Child Care and Development Fund (CCDF) - *open to all persons without regard to immigration status.*<sup>44</sup>
- Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse—*eligible upon lawful permanent residency.*<sup>45</sup>
- Foster Care—*eligible upon lawful permanent residency.*<sup>46</sup>
- Health Profession Education and Training Assistance—*eligible upon lawful permanent residency.*<sup>47</sup>
- Independent Living Program—*eligible upon lawful permanent residency.*<sup>48</sup>
- Low Income Heating Energy and Assistance Program (LIHEAP)—*eligible upon lawful permanent residency.*<sup>49</sup>
  - Residential Energy Assistance Challenge Option (REACH) —*eligible upon lawful permanent residency.*<sup>50</sup>
- Medicare Premium Free – Part A—*eligible upon receiving deferred action based upon a bona fide determination or upon receiving waitlist approval with employment authorization.*<sup>51</sup>
- Medicare Premium “Buy In” Program-- *eligible upon receiving lawful permanent residency, subject to 5-year bar.*<sup>52</sup>
- Medicaid (except assistance for an emergency medical condition)—*eligible upon receiving lawful permanent residency, subject to 5-year bar.*<sup>53</sup>
  - State funded health care—*eligible upon lawful permanent residency or earlier, depending on the state during the 5-year bar, subject to state eligibility requirements.*<sup>54</sup>
- Emergency Medicaid - *open to all persons without regard to immigration status.*<sup>55</sup>

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- Mental Health Clinical Training Grants—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*<sup>56</sup>
- Substance Abuse and Mental Health Services - *eligible upon receipt of HHS certification or eligibility letter, or T visa, subject to 5-year bar unless state funded,*<sup>57</sup> *covered by Emergency Medicaid,*<sup>58</sup> *or provided to human trafficking victims or federally funded Substance Abuse Treatment Facilities.*<sup>59</sup>
- Health Resources and Services Administration Programs (HRSA) —*open to all, no immigrant restrictions.*<sup>60</sup>
- Health Screenings and Immunizations—*available to uninsured people without regard to immigration status through public health clinics.*<sup>61</sup>
- Native Hawaiian Loan Program - *not eligible*<sup>62</sup>
- Refugee benefits—*only eligible if the victim also is a victim of a severe form of human trafficking, or is granted asylum or refugee status.*<sup>63</sup>
  - Refugee Microenterprise Development—*unaccompanied minors granted U visas are eligible.*<sup>64</sup>
  - Refugee Family Child Care Microenterprise Development—*unaccompanied minors granted U visas are eligible.*<sup>65</sup>
  - Refugee Individual Development Accounts—*unaccompanied minors granted U visas are eligible.*<sup>66</sup>
  - Refugee Wilson-Fish TANF Coordination Program—*unaccompanied minors granted U visas are eligible.*<sup>67</sup>
  - Refugee Agricultural Partnership Project—*unaccompanied minors granted U visas are eligible.*<sup>68</sup>
- Services for Survivors of Torture—*eligible if a survivor of torture without regard to immigration status.*<sup>69</sup>
- Social Services Block Grant (SSBG) —*immigrant restrictions vary by state.*<sup>70</sup>
- State Child Health Insurance Program (SCHIP) — *must be under the age of 18 or pregnant, eligible upon lawful permanent residency, subject to 5-year bar.*<sup>71</sup>
  - State funded child health care—*eligible upon receiving a U visa, lawful permanent residency based (during the 5 year bar), or deferred action based on a bona fide determination or waitlist approval or earlier; varies by state and state eligibility requirements.*<sup>72</sup>
- Temporary Assistance for Needy Families (TANF)—*eligible upon lawful permanent residency, subject to 5 year bar.*<sup>73</sup>
  - State funded TANF Replacement Programs— *eligible upon prima facie determination, during the 5 year bar, subject to state eligibility requirements.*<sup>74</sup>
  - TANF Funded Child Care – *requires and follows TANF eligibility and 5 year bar.*<sup>75</sup>

### Department of Homeland Security

- Emergency Disaster Assistance<sup>76</sup>
- Disaster Assistance—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*<sup>77</sup>

### Department of Housing<sup>78</sup>

- Unrestricted Housing Programs—*open to all immigrants no immigration restrictions.*<sup>79</sup>
  - Short term shelter (emergency shelter and transitional housing)—*open to all immigrants who are victims of domestic violence, homeless, or abused, abandoned or neglected children.*<sup>80</sup>
  - Street Outreach Services—*open to all immigrants no immigration restriction.*<sup>81</sup>
  - Safe Haven—*open to all immigrants no immigration restrictions.*<sup>82</sup>
  - Rapid Re-Housing—*open to all immigrants no immigration restrictions.*<sup>83</sup>
  - Federally-funded Transitional Housing where the grant recipient or subrecipient owns or leases the building used to provide the transitional housing —*open to all immigrants no immigration restrictions.*<sup>84</sup>
  - Low Income Housing Tax Credit —*open to all immigrants no immigration restrictions.*<sup>85</sup>

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- Section 202 Supportive Housing for the Elderly Program—*open to all immigrants no immigration restrictions.*<sup>86</sup>
- Section 811 Supportive Housing for Persons With Disabilities Program—*open to all immigrants no immigration restrictions.*<sup>87</sup>
- Section 221(d)(3) and (5) Multifamily Rental Housing For Moderate-Income Families—*open to all immigrants no immigration restrictions.*<sup>88</sup>
- Community Development Block Grant housing (CDBG)—*open to all immigrants no immigration restrictions.*<sup>89</sup>
- HOME Program: HOME Investment Partnerships—*open to all immigrants no immigration restrictions.*<sup>90</sup>
- Home Opportunities for People with AIDs (HOPWA)—*open to all immigrants no immigration restrictions.*<sup>91</sup>
- Indian Housing—*open to all immigrants no immigration restrictions.*<sup>92</sup>
- Rental Rehabilitation—*open to all immigrants no immigration restrictions.*<sup>93</sup>
- McKinney-Vento/HEARTH Act Programs—*open to all immigrants no immigration restrictions.*<sup>94</sup>
- Home Ownership and Opportunity for People Everywhere (HOPE 2)—*open to all immigrants no immigration restrictions.*<sup>95</sup>
- Rural Housing Preservation Grants—*open to all immigrants no immigration restrictions.*<sup>96</sup>
- Section 515 Rural Rental Housing Program—*open to all immigrants no immigration restrictions.*<sup>97</sup>
- Section 538 Multifamily Loan Guarantees—*open to all immigrants no immigration restrictions.*<sup>98</sup>

### Restricted Benefits available to U visa applicants *only upon receiving lawful permanent residency*

- Public Housing Programs—*eligible upon lawful permanent residency.*<sup>99</sup>
- Section 8 Housing Choice Voucher Program—*eligible upon lawful permanent residency.*<sup>100</sup>
- Project-Based Section 8 Voucher Program—*eligible upon lawful permanent residency.*<sup>101</sup>
- Section 236 Housing, with or without Rent Supplements (low-income units only)—*eligible lawful permanent residency.*<sup>102</sup>
- Rent Supplement housing—*eligible upon lawful permanent residency.*<sup>103</sup>
- Section 235 Homeownership housing—*eligible upon lawful permanent residency.*<sup>104</sup>
- Housing Development Grants (HoDAG) (low-income units only) —*eligible upon lawful permanent residency.*<sup>105</sup>

### Department of Labor<sup>106</sup>

- Employment—*vary by state and are available to U visa holders and U visa applicants with deferred action and work authorization.*<sup>107</sup>
  - One-Stop Career Centers Core and Intensive Services—*vary by state and are available to VAWA self-petitioners with work authorization*<sup>108</sup>
  - Job Corps—*vary by state and are available to self-petitioners with work authorization*<sup>109</sup>

### Legal Services Corporation

- Legal Services Corporation—*funds can be used to represent victims of domestic violence, child abuse, elder abuse, sexual assault, stalking, human trafficking and other U visa listed criminal activities (can also assist with the application process for both Continued Presence and T-Visa)*<sup>110</sup>

### Social Security Administration

- Supplemental Security Income (SSI)—*eligible upon lawful permanent residency, subject to five-year bar and other eligibility requirements.*<sup>111</sup>

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<sup>1</sup> Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status (July 23, 2015) <https://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants>.

<sup>2</sup> Once an immigrant victims becomes a lawful permanent resident their public benefits eligibility follows their lawful permanent residency. How they attained lawful permanent residency is not generally a factor in their eligibility. Due to the long wait times for issuance of the U visa, some U visa applicants and the children included in their U visa applications may be able to attain lawful permanent residency through another form of immigration relief. Common examples include: the child of a U visa applicant who was abused by their father attained lawful permanent residency through a Special Immigrant Juvenile Status application; a U visa applicant who was also identified as a victim of human trafficking gained lawful permanent residency through the T visa program; or a battered immigrant's abusive spouse became a U.S. citizen or lawful permanent resident and the victim gained lawful permanent residency as a VAWA self-petitioner or through VAWA cancellation of removal.

<sup>3</sup> See Leslye E. Orloff, State-Funded Public Benefits Comparison Chart (July 22, 2021) <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

<sup>4</sup> For comprehensive information on benefits available to U visa applicants, U visa victims who have received deferred action, U visa holders, and U visa victims who attained lawful permanent residency in the states, see *All State Public Benefits Chars and Map* (2021), NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>. For a state by state analysis of state funded access to health care for immigrant crime victims, see *State-By-State Immigrant Access to Health Benefits*, NIWAP (Feb. 23, 2017), available at <https://niwaplibrary.wcl.american.edu/state-by-state-immigrant-access-to-health-benefits>.

<sup>5</sup> See *State-By-State Immigrant Access to Health Benefits*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Feb. 23, 2017), available at <https://niwaplibrary.wcl.american.edu/state-by-state-immigrant-access-to-health-benefits>.

<sup>6</sup> In three years or less (SIJS) compared to over 15 years for the U visa.

<sup>7</sup> To determine whether your client might qualify for one of these forms of immigration relief in addition to the U-visa, see Jordan Tacher and Leslye E. Orloff, *Trafficking Victim Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Mar. 2, 2018), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/PB-BchCrd-TraffickingVictimBenefitsEligibilityProcess-04.12.13.pdf>; Jordan Tacher and Leslye E. Orloff, *VAWA Public Benefits Eligibility Process: VAWA Self-petitioners, VAWA Cancellation of Removal, and VAWA Suspension of Deportation*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 17, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/vawa-eligibility-process>; *Special Immigrant Juvenile Benefits Eligibility Process* (forthcoming 2022), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/SIJS-Benefits-Eligibility-Benchcard.pdf>. For a chart comparing VAWA, T, and U visa immigration relief qualifications and application process, see *Comparing Forms of Immigration Relief for Immigrant Victims of Crime*, LEGAL MOMENTUM AND NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sept. 12, 2017), available at <https://niwaplibrary.wcl.american.edu/pubs/imm-relief-forms-comparison>.

<sup>8</sup> For more information regarding the application process, see *U Visa: Victims of Criminal Activity: U Nonimmigrant Status*, LEGAL MOMENTUM AND NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (September 25, 2012), [http://niwaplibrary.wcl.american.edu/reference/additional-materials/iwp-training-powerpoints/september-20-21-2012-new-orleans-la/u-visa-certification/u-visa-chapters/10\\_U-visa-MANUAL-ES.pdf/view](http://niwaplibrary.wcl.american.edu/reference/additional-materials/iwp-training-powerpoints/september-20-21-2012-new-orleans-la/u-visa-certification/u-visa-chapters/10_U-visa-MANUAL-ES.pdf/view) (last visited Apr. 4, 2013). To check the date when an approved self-petitioner may be eligible for LPR status, see *Visa Bulletin*, U.S. STATE DEP'T, [http://travel.state.gov/visa/bulletin/bulletin\\_1360.html](http://travel.state.gov/visa/bulletin/bulletin_1360.html) (last visited Mar. 22, 2013).

<sup>9</sup> For children under 16 years old, that his/her parent, guardian, or "next friend" information about the criminal activity.

<sup>10</sup> Or if the victim is under 16 years old, that the victim's parent, guardian, or "next friend" has been helpful, is being helpful, or is likely to be helpful.

<sup>11</sup> Certifying officials include, but are not limited to, federal, state or local police, sheriffs, prosecutors, judges, magistrates, adult or child protective services; the U.S. Department of Labor, Equal Employment Opportunity Commission, the U.S. Department of Homeland Security, or state labor investigation boards.

<sup>12</sup> For more information on U visa certification see Sylvie Sheng, Alina Husain, Alisha Lineswala, Benish Anver, Karen Dryhurst, Lucia Macias, and Leslye E. Orloff, *U Visa Certification and T Visa Declaration Toolkit for Federal, State and Local Judges, Commissioners, Magistrates and Other Judicial Officers* (June 17, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/judges-u-and-t-certification-toolkit-2>; Leslye E. Orloff, Benish Anver, Sylvie Sheng, Rocio Molina, Pradine Saint-Fort, and Alina Husain, *U Visa Certification And T Visa Declaration Toolkit For Law Enforcement Agencies And Prosecutors* (August 20, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/u-t-visa-toolkit-law-enforcement-prosecutor>.

<sup>13</sup> Direct victims are people who have suffered direct and proximate (immediate) harm as a result of a crime. Indirect victims include the adult victim's spouse or unmarried child under the age of 21 and a child victim's parent and under 18-

year-old siblings when the immigrant was a victim of murder, manslaughter or is incompetent or incapacitated and cannot provide information about the crime or be helpful in the investigation or prosecution of the crime.

<sup>14</sup> See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

<sup>15</sup> Rafaela Rodrigues and Leslye E. Orloff, *Immigrant Crime Victim Access to Relief During the COVID-19 Pandemic* (June 12, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/cares-act-unemployment-imm-victims>.

<sup>16</sup> In 2021 the wait from filing to receipt of the U visa was approximately 16 years and 19 years before the U visa recipient could apply for lawful permanent residency. See *U Visa Timeline with Background Checks* (September 15, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/u-visa-timeline>.

<sup>17</sup> Which federal and state public benefits the U visa victim with lawful permanent residency is eligible to receive varies by state and the public benefits program. For comprehensive information on benefits available to U visa applicants and holders in the states, see *All State Public Benefits Chars and Map* (2021), NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>. For a state by state analysis of state funded access to health care for immigrant crime victims, see *State-By-State Immigrant Access to Health Benefits*, NIWAP (Feb. 23, 2017), available at <https://niwaplibrary.wcl.american.edu/state-by-state-immigrant-access-to-health-benefits>.

<sup>18</sup> For comprehensive information on benefits available to U visa applicants and holders in the states, see *All State Public Benefits Chars and Map* (2021), NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>. For a state by state analysis of state funded access to health care for immigrant crime victims, see *State-By-State Immigrant Access to Health Benefits*, NIWAP (Feb. 23, 2017), available at <https://niwaplibrary.wcl.american.edu/state-by-state-immigrant-access-to-health-benefits>.

<sup>19</sup> See *Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status* (July 23, 2015), available at <https://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants>.

<sup>20</sup> See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

<sup>21</sup> For comprehensive information on benefits available to U visa applicants and holders in the states, see *All State Public Benefits Chars and Map* (2021), NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

<sup>22</sup> For a tool summarizing eligibility at various stages of the application process for U visa, VAWA, SIJS and T visa applicants see Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

<sup>23</sup> Rafaela Rodrigues and Leslye E. Orloff, *Immigrant Crime Victim Access to Relief During the COVID-19 Pandemic* (June 12, 2021) <https://niwaplibrary.wcl.american.edu/pubs/cares-act-unemployment-imm-victims>.

<sup>24</sup> In 13 additional states driver's licenses are available to immigrant residents of the state who do not qualify for federally recognized drivers' licenses. See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

<sup>25</sup> It is important to note that battered qualified immigrants need not wait until their VAWA immigration case has been filed and the victim receives a prima facie determination to file and receive federal and state public benefits that their children who are U.S. citizens or lawful permanent residents are eligible to receive. Undocumented immigrant parents can apply for benefits their children are eligible to receive. To apply the immigrant parent must provide the child's social security number and information about the child's immigration status. However, the immigrant parent cannot be required to provide information about the immigrant parent's immigration status or social security number unless they are seeking additional benefits for themselves as qualified immigrants.

<sup>26</sup> *To Compare See Jordan Tacher and Leslye E. Orloff, Trafficking Victim Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Mar. 2, 2018), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/PB-BchCrd-TraffickingVictimBenefitsEligibilityProcess-04.12.13.pdf>; Jordan Tacher and Leslye E. Orloff, *VAWA Public Benefits Eligibility Process: VAWA Self-petitioners, VAWA Cancellation of Removal, and VAWA Suspension of Deportation*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 17, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/vawa-eligibility-process>; *Special Immigrant Juvenile Benefits Eligibility Process* (forthcoming 2022), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/SIJS-Benefits-Eligibility-Benchcard.pdf>.

<sup>27</sup> Qualified immigrant children and stepchildren including U visa applicants with lawful permanent residence under 18 are immediately eligible for SNAP benefits. However, U visa applicants must wait for 5 years after becoming lawful permanent residents unless their state provides otherwise. For more information on SNAP eligibility, see *Supplemental Nutrition Assistance Program*, U.S. DEP'T OF AGRIC., <https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program> (last visited Nov. 10, 2021). For a state by state analysis of immigrant access to SNAP, see *State Funded Food*

# Association of VAWA and U-Visa Protections with Battered Immigrants' Safety, Well-being, Usage of the Justice Systems, and Economic Stability

Assistance Programs, NAT'L IMMIGRATION LAW CTR. (Jul. 2011), [https://www.nilc.org/issues/economic-support/state\\_food/](https://www.nilc.org/issues/economic-support/state_food/) (last visited Nov. 10, 2021).

<sup>28</sup> See Bulletin No: MGR-05-008 Eligibility for Federal Crop Insurance Benefits for Non-Citizens without a Social Security Number (SSN), U.S. DEP'T OF AGRIC. (May 26, 2005), available at <https://legacy.rma.usda.gov/news/managers/2005/PDF/mgr-05-008.pdf> (last visited Dec. 31, 2021).

<sup>29</sup> For more information on WIC eligibility and how to apply for the benefits, see *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited Dec. 29, 2021).

<sup>30</sup> See generally, National Housing Law Project, Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980 (January 2018), <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter And Rental Housing Assistance Are Available To Immigrant Survivors During COVID-19*, 2-3 (September, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> See generally, National Housing Law Project, Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980 (January 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

<sup>34</sup> Id.

<sup>35</sup> For more information about the availability of funds for U visa applicants, see *Many Non-U.S. Citizens Qualify for Federal Student Aid*, OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC. (last visited Dec. 31, 2021), <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

<sup>36</sup> See Dep't of Health and Human Servs., Interpretation of "Federal Public Benefit," 63 Fed. Reg. 41,658, 41,659 (Aug. 4, 1998) (Since PRWORA does not identify the specific benefits that are 'Federal public benefits,' and the definition in section 401(c), standing alone, does not provide sufficient guidance for benefit providers to make that determination. Thus, HHS published a list of HHS programs that are Federal Public Benefits and therefore are only open to qualified immigrants.) [hereinafter HHS Guidance].

<sup>37</sup> HHS Guidance at 41,658.

<sup>38</sup> HHS Guidance at 41,658.

<sup>39</sup> HHS Guidance at 41,658.

<sup>40</sup> HHS Guidance at 41,658.

<sup>41</sup> HHS Guidance at 41,658.

<sup>42</sup> HHS Guidance at 41,658.

<sup>43</sup> HHS Guidance at 41,658.

<sup>44</sup> For information on CCDF child care eligibility for immigrant victims see *Guide to Immigrant Eligibility for Federal Programs*, NAT'L IMMIGRATION LAW CTR., <https://www.nilc.org/issues/economic-support/updatepage/> (last visited Oct. 25, 2021); see also Banish Anver and Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NIWAP (Mar. 13, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare>.

<sup>45</sup> HHS Guidance at 41,658.

<sup>46</sup> HHS Guidance at 41,658.

<sup>47</sup> HHS Guidance at 41,658.

<sup>48</sup> HHS Guidance at 41,658.

<sup>49</sup> See *Summary of Immigrant Eligibility Restrictions Under Current Law*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. (Feb. 25, 2009), <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml> (last visited Oct. 25, 2021). Trafficking victims with HHS OTIP certification or eligibility letters receive LIHEAP to the same extent as refugees. T visa applicants with bona fide determinations or T visa approvals receive LIHEAP as qualified immigrants. See *LIHEAP Eligibility Criteria*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (May 8, 2012), <http://www.acf.hhs.gov/programs/ocs/resource/liheap-eligibility-criteria> (last visited Oct. 25, 2021). For more details and information about how to apply for LIHEAP, see *Low Income Home Energy Assistance Program (LIHEAP)*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <http://www.acf.hhs.gov/programs/ocs/programs/liheap> (last visited Oct. 25, 2021).

<sup>50</sup> See *Residential Energy Assistance Challenge (REACH)*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://liheapch.acf.hhs.gov/reach.htm>.

<sup>51</sup> Eligibility for assistance is based on authorized employment. Immigrant applicant must be lawfully present.

<sup>52</sup> Must be a lawful permanent resident who has resided continuously in the U.S. for at least 5 years.

<sup>53</sup> Victims are eligible after the 5-year disqualification period, but the 5-year disqualification period does not apply to otherwise eligible pregnant women or children under age 19 who are qualified immigrants lawfully residing in the U.S.

who live in states who have opted to provide state funded health care to children, pregnant women, or other immigrants. See *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State*, available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf>. See also *State-By-State Immigrant Access to Health Benefits*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/state-by-state-immigrant-access-to-health-benefits> (last visited Nov. 10, 2021).

<sup>54</sup> For a state by state analysis of state funded access to health care for immigrant crime victims, see *All State Public Benefits Charts and Map*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (2021), available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>;

<sup>55</sup> See *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children* (December 7, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

<sup>56</sup> HHS Guidance at 41,658.

<sup>57</sup> See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

<sup>58</sup> See *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children* (December 7, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

<sup>59</sup> See generally *Services Available to Victims of Human Trafficking*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (May 2012), available at

[https://www.acf.hhs.gov/sites/default/files/documents/orr/traffickingservices\\_0.pdf](https://www.acf.hhs.gov/sites/default/files/documents/orr/traffickingservices_0.pdf) (last visited Oct. 25, 2021); *Find Treatment*, SAMHSA, <https://www.samhsa.gov/find-treatment> (last visited Oct. 25, 2021). To find a substance abuse

and/or mental health treatment program, see *Substance Abuse Treatment Facility Locator*, SAMHSA, <https://findtreatment.gov/> (last visited Mar. 22, 2013). Mental Health Resources: To find a mental health treatment

program near you, see *Mental Health Treatment Facility Locator*, SAMHSA, <http://findtreatment.samhsa.gov/MHTreatmentLocator/faces/quickSearch.jspx> (last visited); National Suicide Prevention

Lifeline: call 1-800-273-TALK (8255). See also NAT'L SUICIDE PREVENTION LIFELINE, <http://www.suicidepreventionlifeline.org/> (last visited Mar. 22, 2013).

<sup>60</sup> To find an HRSA funded Health Care Center, see *Find a Health Center*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. HEALTH RES. AND SERVICES ADMIN., [http://findahealthcenter.hrsa.gov/Search\\_HCC.aspx](http://findahealthcenter.hrsa.gov/Search_HCC.aspx) (last visited Mar. 22, 2013). HRSA offers health care and support to uninsured, underserved, and special needs populations. HRSA issues grants to federally funded health centers that are available to anyone regardless of their ability to pay. The health centers charge patients using a sliding fee scale, based on their income. Health centers provide well-care checkups, treatment for sick patients, complete care for pregnant patients, immunizations and checkups for children, dental care, prescription drugs, as well as mental health and substance abuse care.

<sup>61</sup> Screenings are conducted by State or local health departments for the diagnosis, treatment and prevention of communicable diseases and other conditions of public health importance. PRWORA § 401(b)(3), 8 U.S.C. § 1611(b)(1)(C) (2011). This usually includes screening for tuberculosis (TB), parasites, and hepatitis B, as well as school vaccinations. All immunizations and screenings available to Medicaid or SCHIP beneficiaries are covered. See *Immunization and Vaccine Resources*, CTRS. FOR MEDICAID AND MEDICARE SVCS. (JUN. 15, 2012), available at <https://www.cms.gov/About-CMS/Agency-Information/OMH/resource-center/Immunization-Resources> (last visited Nov. 10, 2021).

<sup>62</sup> Eligibility limited to Native Hawaiians and all Native Hawaiians are citizens. See also, HHS Guidance at 41,658.

<sup>63</sup> Refugees, asylees, and human trafficking victims receive a range of federally funding benefits and services that are not available to VAWA self-petitioners, U visa victims and most Special Immigrant Juvenile Status applicant children. Since human trafficking can involve family members and can occur along with sexual assault, stalking, child and elder abuse and other U visa listed criminal activities, it is important to screen immigrant victims for human trafficking. When victims have also suffered labor or sex trafficking filing for immigration relief as a victim of human trafficking it can result in swifter access to immigration relief for the victim and access to a broader array of public benefits and services. Trafficking victims granted Continued Presence or a bona fide determination in a T visa case received the same access to federal and state public benefits as refugees. or comprehensive information on benefits available to VAWA self-petitioners, see *All State Public Benefits Charts and Map* (2021), NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>. Additionally, trafficking victims are eligible for refugee resettlement services. See *HHS Office of Refugee Resettlement*, <https://www.acf.hhs.gov/orr/programs/refugees>. For a detailed outline of what refugee resettlement services battered immigrants who are also identified as and file for immigration relief as human trafficking victims receive see Jordan Tacher and Leslye E. Orloff, *Trafficking Victim Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Mar. 2, 2018), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/PB-BchCrd-TraffickingVictimBenefitsEligibilityProcess-04.12.13.pdf>.

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<sup>64</sup>The Microenterprise Development (MED) program helps ORR-served populations gain financial independence by providing loans and training to help them start, sustain, or expand a small business to support themselves and their families. See *Microenterprise Development*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://www.acf.hhs.gov/orr/programs/refugees/microenterprise-development>. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

<sup>65</sup>The Refugee Family Child Care Microenterprise Development (RFCCMED) program helps recently arrived refugees and other ORR eligible populations start and run family child care businesses in their homes to earn income that allows them to live independently. <https://www.acf.hhs.gov/orr/programs/refugees/refugee-family-child-care>. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

<sup>66</sup>The Individual Development Accounts (IDA) Program helps refugees and other ORR-eligible populations save toward an asset that will help increase financial independence. The program helps refugees understand what assets are, how the U.S. financial system works, and how to manage their money. <https://www.acf.hhs.gov/orr/programs/refugees/ida>. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

<sup>67</sup>The Wilson-Fish (WF) Temporary Assistance for Needy Families (TANF) Coordination Program (WF TCP) funds innovative approaches to provide more customized, culturally, and linguistically appropriate integrated services and resources for ORR-eligible families with children under the age of 18. The goal of WF TCP is to strengthen these families' abilities to navigate barriers, become economically self-sufficient, and improve their social and economic wellbeing. See *Wilson-Fish TANF Coordination Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://www.acf.hhs.gov/orr/programs/refugees/wilson-fish-tanf-coordination-program>. (Open to ORR eligible families with children under the age of 18. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

<sup>68</sup>The Refugee Agricultural Partnership Project (RAPP) helps ORR-served populations lead rural farming and urban community gardening projects. RAPP works with the U.S. Department of Agriculture to provide the fresh produce to farmers markets and earn the participants a supplemental income. See *Refugee Agricultural Partnership Project*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-agricultural-partnership-project>. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

<sup>69</sup>The Services for Survivors of Torture (SOT) program helps people who have been tortured in another country and are now living in the United States. See *Services for Survivors of Torture*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://www.acf.hhs.gov/orr/programs/refugees/services-survivors-torture>; *Domestic Healing Centers*, HEALTORTURE.ORG, <https://www.healtorture.org/content/domestic-healing-centers>.

<sup>70</sup>States may choose whether to allow access for qualified immigrants. See *Summary of Immigrant Eligibility Restrictions*, DEP'T OF HEALTH AND HUMAN SVCS. (Feb. 25, 2009), available at <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml> (last visited Nov. 19, 2021).

<sup>71</sup>For the definition of "lawfully residing, see Centers for Medicare and Medicaid Services, *Medicaid and CHIP Coverage of "Lawfully Residing" Children and Pregnant Women* (Jul. 1, 2010), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-HHSLawfullyResidingMedicaid-07.01.10-also-in-Qualified-Immigrants.pdf>. See also *"Lawfully Residing" Children and Pregnant Women Eligible for Medicaid and CHIP*, NAT'L IMMIGRATION LAW CTR. (Oct. 2021), available at <https://www.nilc.org/issues/health-care/lawfully-residing-medicaid-chip/> (last visited Oct. 25, 2021). When minor victims turn 21, their health care eligibility moves from SCHIP to Medicaid. Whether an immigrant child or pregnant woman who is lawfully present is eligible for SCHIP during the 5 year

bar varies by state. For a state by state analysis of state funded access to health care for immigrant crime victims, *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

<sup>72</sup> See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021) available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>; see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>; *Medical Assistance Programs for Immigrants in Various States*, NAT'L IMMIGRANT LAW CTR., available at <https://www.nilc.org/issues/health-care/medical-assistance-various-states/>.

<sup>73</sup> For an analysis of federally funded access to TANF see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

<sup>74</sup> For a state by state analysis of state funded access to access to TANF, see See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (July 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>; Benish Anver and Leslye Orloff, *Eligibility for State Funded TANF Replacement Programs for Immigrant Crime Victims* (Dec. 15, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-tanf>; *State-Funded TANF Replacement Programs*, NAT'L IMMIGRANT LAW CTR., available at <https://www.nilc.org/issues/economic-support/guide-tanf/>.

<sup>75</sup> For a state by state analysis of state funded access to access to TANF funded child care, see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

<sup>76</sup> 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. See *Disaster Assistance: Food, shelter, cash payments, loans, and other help for survivors of major disasters*, NAT'L IMMIGRATION LAW CTR., available at <https://www.nilc.org/issues/economic-support/disaster-help/> (last visited Nov. 19, 2021).

<sup>77</sup> Id.

<sup>78</sup> For a listing of all Public and Assisted Housing programs through HUD, see *HUD Programs and Immigrant Eligibility*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Man-Ch16.2-HUDProgramsImmEligibility-7.10.13.pdf> (last visited Dec. 31, 2021). The first section of the appendix lists programs that are only available to "qualified immigrants." The second section lists the remaining programs that are available to all immigrants regardless of their status.

<sup>79</sup> *Office of Special Needs Assistance Programs, U.S. Department of Housing and Urban Development, The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (August 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; *What Shelter and Rental Housing Assistance Are Available to Immigrant Survivors During COVID-19?* (September 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>; *Three Federal Agencies Issue Joint Agency Letter On Shelters and Transitional Housing* (August 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

<sup>80</sup> See *Three Federal Agencies Issue Joint Agency Letter on Shelters and Transitional Housing* (August 12, 2016), NIWAP (Aug. 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

<sup>81</sup> See PROGRAMS OF HUD, U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT 19 (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf>; Office of Special Needs Assistance Programs, U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (August 16, 2016) available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; Karlo Ng, Rafaela Rodrigues and Leslye E. Orloff, *What Shelter and Rental Housing Assistance Are Available to Immigrant Survivors During COVID-19?* (September 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>; *Three Federal Agencies Issue Joint Agency Letter On Shelters and Transitional Housing* (August 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

<sup>82</sup> Id.

<sup>83</sup> Id.

<sup>84</sup> See OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (August 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; *Programs of HUD*, U.S. DEP'T OF HOUSING

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AND URBAN DEVELOPMENT (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf> (last visited Nov. 19, 2021).

<sup>85</sup> See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (January 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

<sup>86</sup> Id.

<sup>87</sup> Id.

<sup>88</sup> Id.

<sup>89</sup> Id.

<sup>90</sup> Id.

<sup>91</sup> Id.

<sup>92</sup> Id.

<sup>93</sup> Id.

<sup>94</sup> Id.

<sup>95</sup> Id.

<sup>96</sup> Id.

<sup>97</sup> Id.

<sup>98</sup> Id.

<sup>99</sup> See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (January 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter And Rental Housing Assistance Are Available To Immigrant Survivors During COVID-19. 2-3* (September 2021) available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

<sup>100</sup> Id.

<sup>101</sup> Id.

<sup>102</sup> Id.

<sup>103</sup> Id.

<sup>104</sup> Id.

<sup>105</sup> Id.

<sup>106</sup> All vary by state and are available to trafficking victims with work authorization.

<sup>107</sup> U visa victims receive work authorization along with their U visa or when they are granted deferred action based on a prima facie determination or waitlist approval of their U visa case.

<sup>108</sup> For more information and to find a job resource center, see *Service Locator*, Career One-Stop, <http://www.servicelocator.org/> (last visited Dec. 31, 2021).

<sup>109</sup> For employment opportunities, visit *Job Corps*, <https://www.jobcorps.gov/> (last visited Dec. 31, 2021).

<sup>110</sup> For further guidance, see Catherine Longville, Henrissa Basse, & Leslye E. Orloff, *Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Oct. 1, 2014), available at <https://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls>.

<sup>111</sup> For persons who are blind, disabled, or over 5 years of age with limited income and resources. Immigrants who entered before August 22, 1996, are eligible for Supplemental Security Income (SSI) only if they were qualified immigrants lawfully residing in the United States and were receiving SSI on August 22, 1996. See *Supplemental Security Income (SSI) For Noncitizens*, U.S. SOCIAL SECURITY ADMIN., <https://www.ssa.gov/pubs/EN-05-11051.pdf> (last visited Nov. 12, 2021). For detailed information the limited eligibility for SSI by state immigrant survivors see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.