

**VAWA Immigration and Public Benefits Eligibility Process:
VAWA Self-petitioners, VAWA Cancellation of Removal, VAWA Suspension of Deportation, and
Battered Spouse Waiver Applicants^{1 2}**

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Immigrant victims of domestic violence or child abuse (defined as battering or extreme cruelty) perpetrated by U.S. citizen or lawful permanent resident spouses, former spouses, parents or step-parents who file for Violence Against Women Act (VAWA) related immigration relief become eligible for a broad range of federal and state public benefits. Prior to filing for Violence Against Women Act (VAWA) related immigration relief, immigrant victims and their children qualify for the same publicly funded benefits and services that are available to undocumented immigrants.³ What state and federal public benefits an immigrant VAWA victim and children included in their applications qualify to receive depends on:

- Whether the victim has filed a VAWA application
- The form of VAWA immigration relief for which the victim applied
 - VAWA self-petition based on spouse abuse or child abuse
 - VAWA self-petition based on elder abuse
 - VAWA suspension of deportation
 - VAWA cancellation of removal
 - Battered Spouse Waiver
 - Family based visa petition with prima facie determination or approval and battering or extreme cruelty
- The stage in the DHS processing of the victim’s case at the time of application for public benefits
 - Receipt notice
 - Prima facie determination
 - Approval
 - Applied for or was granted lawful permanent residency
- 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 many states may qualify for state funded benefits that are available to some immigrants who are ineligible for certain federal public benefits programs.⁴ NIWAP has

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³ See *Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status* (Jul. 23, 2015), available at <https://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants>.

⁴ See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (Jul. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

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.⁵

Immigration Status Qualification Requirements

To qualify for each of the following forms of relief the immigrant must have been battered or subjected to extreme cruelty.⁶ Immigration law allows the following relatives who have been subject to battering or extreme cruelty by U.S. citizens and lawful permanent residents to self-petition for lawful permanent residency without the abusive family member's knowledge, assistance or consent.⁷

VAWA self-petitions

- Applicant must prove the immigration status of and their relationship to the perpetrator. The family relationships covered are:
 - Abused spouses, former spouses, or intended spouses of citizens or lawful permanent residents: may file for themselves and may include their under 21 year old children in their application;
 - Immigrant parents or stepparents of child abuse victims: An immigrant parent or step-parent of and under 21-year-old and unmarried child who has been battered or subjected to extreme cruelty by the child's U.S. citizen or lawful permanent resident parent is eligible to self-petition and to include in their application any of their children or stepchildren who are not already citizens or lawful permanent residents. The abused child or stepchild may be a citizen or an immigrant with lawful or undocumented status.
 - Abused children or stepchildren:⁸ Children and stepchildren who were battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident parent or stepparent when the child was under 21 years old are eligible to self-petition and can include their own children in their application. Abused children and stepchildren who can demonstrate that the battering or extreme cruelty was at least one central reason for the delay in filing have up to age 25 to file the self-petition.
 - Elder Abuse: Parents and stepparents who are battered or subjected to extreme cruelty by their U.S. citizen son, daughter, stepson, or stepdaughter⁹ who is over the age of 21 can self-petition.¹⁰
- VAWA self-petitioners also must prove that:
 - The victim lived with the perpetrator of the battering or extreme cruelty at some point in the past.
 - The victim is a person of good moral character. Children age 14 and under are not required to prove good moral character.

⁵ For 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>. 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>.

⁶ The term abuse used in this article means "battering or extreme cruelty". Battering or extreme cruelty is defined as "being the victim of any act or a 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 shall be considered acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence." 8 C.F.R. §204.2(c)(1). See also Leslye E. Orloff, Brittany Roberts and 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), <https://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2> (last visited Nov. 8, 2021).

⁷ Moira Fisher Preda, Cecilia Olavarria, Janice Kaguyutan, and Alicia (Lacy) Carra, Preparing the VAWA Self-Petition and Applying for Residence (Jul. 1, 2013) Chapter 03.3: Preparing the VAWA Self-Petition and Applying for Residence, <https://niwaplibrary.wcl.american.edu/pubs/ch3-3-selfpetitionprep>.

⁸ *Arguijo v. USCIS* 7th Circuit Court of Appeals Decision (March 21, 2021), <https://niwaplibrary.wcl.american.edu/pubs/arguijo-7th-cir-decision-vawa-step-child>; *Matter of Mowrer*, 17 I&N Dec. 613 (BIA 1981); *Matter of Mourillon*, 18 I&N Dec. 122, 125-26 (BIA 1981).

⁹ USCIS, Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen; Revisions to Adjudicator's Field Manual (AFM) Chapter 21.15 (AFM Update AD 06-32) 1-2 (Aug. 30, 2011) <https://niwaplibrary.wcl.american.edu/pubs/imm-gov-uscismemoelderabuse-08-30-11>.

¹⁰ The VAWA self-petition abused parent protections apply only when the abuser is a U.S. citizen and do not apply when the abusive son or daughter is a lawful permanent resident. Abused parents of lawful permanent residents will qualify for protection as victims of criminal activity under the U visa program or if the abuser is also a human trafficker under the T visa program.

- A victim must have been battered or subjected to extreme cruelty in the United States, or if they were solely abused abroad, then the abusive spouse, former spouse, parent, stepparent, son, daughter, stepson, or stepdaughter must have been an employee of the US government or a member of the US uniformed services (military).

Applicable to Spousal Victims:

Victims who are self-petitioning as the spouse of an abusive citizen or lawful permanent resident must also show that they entered into the marriage¹¹ in good faith¹² and --

- The citizen spouse (**not** lawful permanent resident) died within the past two years;
- The citizen/lawful permanent resident spouse lost her/his citizenship or residency within the past two years related to an incident of domestic violence;
- The victim believed that she married a citizen/lawful permanent resident and a marriage ceremony was performed, but the marriage was not valid because of the citizen or lawful permanent resident spouse's bigamy; or
- The victim was divorced from the citizen/lawful permanent resident spouse within the past two years and she can show a connection between the battering or extreme cruelty and the divorce.

Applicable to Child and stepchild¹³ Victims:

- A child battered or subjected to extreme cruelty by the child's citizen or lawful permanent resident parent or stepparent is:
 - A child or stepchild (under 21 years old) of a citizen/lawful permanent resident;
 - A child or stepchild (under 21 years old) of a parent or step parent who was a citizen/lawful permanent resident but s/he lost her/his citizenship or residency within the past two years related to an incident of domestic violence; or
 - A child or stepchild between the ages of 21 and 25 who was battered or subjected to extreme cruelty while under 21 years of age who can demonstrate that the abuse was at least one central reason for not filing a self-petition before turning 21 years old.
- If the victim is over the age of 14, they must be a person of "good moral character."¹⁴

Applicable to Parents and Stepparents of a U.S. Citizen Son or Daughter:

- The parent or stepparent of a U.S. citizen son or daughter who lost her/his citizenship within the past two years related to an incident of domestic violence.

VAWA Cancellation of Removal and Suspension of Deportation

Immigrant spouse or child abuse victims (but not elder abuse victims) who are in proceedings before an immigration judge may file for VAWA cancellation of removal or VAWA suspension of deportation.¹⁵ If the application is granted the victim receives lawful permanent residency. If the victim's case is denied, the victim receives an order of removal (deportation). For this reason, it is extremely important that battered immigrants in removal proceedings are represented by immigration lawyers with expertise representing immigrant victims.¹⁶

¹¹ Common law marriages and same sex marriages satisfy the marriage requirement.

¹² See Leslye E. Orloff, Brittany Roberts, and Mikaela Rodriguez, *Good Faith Marriage in VAWA Self-Petitioning Cases* (December 29, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/good-faith-marriage-va-wa>.

¹³ See *Arguijo v. USCIS 7th Circuit Court of Appeals Decision* (March 21, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/arguijo-7th-cir-decision-va-wa-step-child>; *Matter of Mowrer*, 17 I&N Dec. 613 (BIA 1981); *Matter of Mourillon*, 18 I&N Dec. 122, 125-26 (BIA 1981).

¹⁴ See USCIS, *Determinations of Good Moral Character in VAWA-Based Self-Petitions* (Jan. 19, 2005), available at <https://niwaplibrary.wcl.american.edu/pubs/imm-gov-uscismemoyatesgoodmoralcharacter-01-19-05>.

¹⁵ VAWA cancellation of removal and VAWA suspension of deportation are similar remedies with similar requirements. Suspension of deportation is only applicable to battered immigrants who had been placed in deportation proceedings prior to March 31, 1997.

¹⁶ To locate an agency with experience representing immigrant victims in your state, see *Directory of Programs With Experience Serving Immigrant Victims*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims> or contact the National Immigrant Women's Advocacy Project, American University, Washington College of Law at info@niwap.org or (202) 274-4457.

VAWA cancellation is available to some categories of people who are not eligible to file a self-petition. Cancellation of removal is available to abused spouses and children who are eligible to self-petition and is additionally available to people that include but are not limited to the following:

- The parent of a child subjected to battering or extreme cruelty by the child's other lawful permanent resident or U.S. citizen parent where the parents are not married;
- A spouse¹⁷ who was battered or subjected to extreme cruelty where the marriage to the abuser has been terminated for over two years;
- An abused spouse of a lawful permanent resident or an abused child of a citizen or lawful permanent resident who has died;
- A spouse or child of an abusive citizen or lawful permanent resident who lost or gave up status over two years ago; and
- An abused child or stepchild who did not live with the abusive citizen or lawful permanent resident parent or stepparent.

To qualify for VAWA cancellation of removal a victim must prove:

- That they or their child or stepchild has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse, former spouse, parent, or stepparent;
- That they have been physically present in the United States for three years (some limited absences are allowed);
- That they are a person of good moral character;
- That their deportation would cause extreme hardship; and
- That certain specific inadmissibility grounds do not apply to them, or that they qualified for a waiver of inadmissibility.

Immigrant Spouses or Children With Pending or Approved Family Based Visa Petitions Who are Battered or Subjected to Extreme Cruelty

Immigrant spouses and children whose citizen or lawful permanent resident spouses, parents, or stepparents have filed family-based visa applications for them and they have been battered or subjected to extreme cruelty are also eligible to receive federal and state public benefits as "qualified immigrants". Abused immigrants with pending or approved family based visa petitions are independently eligible for federal or state public benefits whether or not they file for VAWA related immigration relief.

Battered Spouse Waiver

When a spouse who has filed a family-based visa petition for an immigrant spouse and the couple is married for less than two years on the date of their interview with the Department of Homeland Security, the immigrant's spouse will be granted a conditional residence rather than full lawful permanent residency. Two years after conditional residency is granted, the immigrant spouse and the citizen or lawful permanent resident spouse are required to file a joint petition asking DHS to grant the immigrant spouse full lawful permanent residency. An immigrant spouse (and in certain circumstances, an immigrant stepchild) who has been battered or subjected to extreme cruelty by a citizen or lawful permanent resident spouse or stepparent can apply for a "battered spouse or child waiver" of the joint filing requirement without waiting for two years.

- To qualify for a Battered Spouse or Child Waiver
 - The victim spouse has conditional legal permanent residence as a spouse of a citizen or legal permanent resident because the marriage was less than two years old when the victim obtained conditional residence; OR
 - A victim stepchild has conditional legal permanent residence because their immigrant parent's citizen spouse filed a petition for the stepchild and the marriage between the citizen stepparent and

¹⁷ For stepchildren, the impact of divorce depends on whether the stepparent/stepchild relationship continues to exist or whether the stepchild was abused. See *Arguijo v. USCIS 7th Circuit Court of Appeals Decision* (March 21, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/arguijo-7th-cir-decision-va-wa-step-child>; *Matter of Mowrer*, 17 I&N Dec. 613 (BIA 1981); *Matter of Mourillon*, 18 I&N Dec. 122, 125-26 (BIA 1981).

the child's immigrant parent was less than two years old when the stepchild obtained their conditional residence;

- The marriage that is the basis for conditional residence was a good faith marriage; and
- During the marriage, the spouse or stepchild was battered or subjected to extreme cruelty by the citizen or lawful permanent resident abuser.
- Battered Spouse and Child Waiver applicants are eligible for federal and state public benefits under the same rules as lawful permanent residents and are not required to have a prima facie determination or to prove a substantial connection between the battering or extreme cruelty and the need for benefits.¹⁸ Battered spouse waiver applicants and recipients receive the same exemptions from public benefits deeming laws as all other VAWA self-petitioners.

Immigration Relief Application Procedures Are a Prerequisite to Becoming a “Qualified Immigrant” Eligible to Receive Federal and State Public Benefits

VAWA self-petitioners¹⁹

- Victim files a VAWA self-petition with the Violence Against Women Act (VAWA) Unit at the Vermont Service Center of the U.S. Citizenship and Immigration Services (DHS). The victim may include their immigrant children and stepchildren as self-petitioners by listing the children and stepchildren in the application. Victims seeking work authorization for themselves and/or their children or stepchildren should include an employment authorization application with their self-petition.
- When a self-petition is accepted, normally within 2-4 weeks, DHS sends a receipt notice, which provides evidence that the self-petitioner and self-petitioning children and stepchildren included in the application are lawfully present.
- If the VAWA Unit adjudicators believe that the victim would meet all of the requirements if all of the information in the application were true, it will issue a “notice of *prima facie* case.” Victims and their children and stepchildren who receive prima facie determinations are eligible for state and federal public benefits as “qualified immigrants.”²⁰
- Work Authorization²¹
 - Spouses, children and parents of U.S. citizens: Spouses, children, and stepchildren of U.S. citizens who file the VAWA self-petition together with the victim's application for lawful permanent residency and a request for work authorization are eligible for and can receive work authorization while the VAWA self-petition is pending.
 - Spouses and children of Lawful Permanent Residents who file VAWA self-petitions are only eligible for work authorization after the VAWA Unit approves the VAWA self-petition and grants the victim deferred action status.
- Lawful permanent residency
 - A victim can apply immediately for lawful permanent resident status if they are the:
 - spouse of a US citizen (citizen),
 - unmarried child or stepchild (under 21 years old) of a citizen, or

¹⁸ VAWA self-petitioners are directly eligible to receive public and assisted housing (all Section 214 housing and housing vouchers) after filing their VAWA self-petition. No proof of substantial connection is required. See *Access to Public and Assisted Housing VAWA Self-Petitioners* (Aug. 30, 2021), available at <https://niwaplibrary.wcl.american.edu/access-public-assisted-housing-vawa-self-petitioners>.

¹⁹ For more information about evidentiary requirements and other pertinent details, see Moira Fisher Praeda, Cecilia Olavarria, Janice Kaguyutan, and Alicia (Lacy) Carra, *Preparing the VAWA Self-petition and Applying for Residence*, LEGAL MOMENTUM AND NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sep. 21, 2012), available at <https://niwaplibrary.wcl.american.edu/pubs/ch3-3-selfpetitionprep> (last visited Nov. 10, 2021). For more detailed information on benefits access for VAWA self-petitioners, see Cecilia Olavarria, Amanda Baran, Leslye Orloff, and Grace Huang, *Public Benefits Access for Battered Immigrant Women and Children*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/pubs/ch4-2-public-bens-access-battered-immigrants> (last visited Nov. 10, 2021).

²⁰ For more information regarding the application process, see *Battered Spouse, Children & Parents*, U.S. CITIZENSHIP AND IMMIGRATION SVCS. (Jan. 16, 2013), available at <https://www.uscis.gov/humanitarian/battered-spouse-children-and-parents> (last visited Nov. 10, 2021). Processing time for prima facie determinations runs from 90 months to about 150 days. For a report on DHS case processing times see Leslye E. Orloff, *National Survey on Timing of Access to Work Authorization by Immigrant Victim VAWA Self-Petitioners and U-Visa Applicants*, LEGAL MOMENTUM (Sept. 28, 2011), available at <https://niwaplibrary.wcl.american.edu/pubs/imm-qref-timingaccessworkauthoriz9-28-11>.

²¹ Immigrant spouses and children of U.S. citizens who file applications for work authorization together with their VAWA self-petitions generally receive work authorization within 6 months of filing. However, immigrant spouses and children abused by lawful permanent resident spouses or parents often wait up to or over 18 months before their VAWA self-petition is approved to receive work authorization. See Leslye E. Orloff, *National Survey on Timing of Access to Work Authorization by Immigrant Victim VAWA Self-Petitioners and U-Visa Applicants*, LEGAL MOMENTUM (Sep. 28, 2011), available at <https://niwaplibrary.wcl.american.edu/pubs/imm-qref-timingaccessworkauthoriz9-28-11> (last visited Nov. 10, 2021).

- parent or stepparent of a citizen who is over 21 years old
- When self-petitioning spouses, children, and stepchildren of lawful permanent residents are able to apply will depend upon when a visa becomes available for immigrants with the self-petitioner’s filing date in the “family preference system” wait list.²²

VAWA cancellation of removal and VAWA suspension of deportation

- The victim files an application for VAWA cancellation of removal or VAWA suspension of deportation in immigration proceedings with the immigration judge
- To receive access to public benefits, victims with pending applications for VAWA cancellation of removal or VAWA suspension of deportation can file a “motion for prima facie determination” with the immigration judge.²³

How Do Battered Immigrants Become Qualified Immigrants?

Since Congress provided access to state and federal public benefits to VAWA self-petitioners, VAWA cancellation of removal, and VAWA suspension of deportation applicants early in the case filing process, VAWA eligible victims are provided benefits eligibility before they have been granted lawful immigration status. VAWA victims become “qualified immigrants” for public benefits purposes when they meet the following requirements:

- The immigrant or the immigrant’s child or stepchild has been battered or subjected to extreme cruelty by their U.S. citizen or lawful permanent resident spouse, parent, or stepparent, or by the spouse, parent, or stepparent’s family member living in the same household; (The immigrant spouse, parent, or stepparent applying for public benefits must not have actively participated in the abuse.)
- The battered immigrant has a family-based petition or VAWA immigration case (self-petition, cancellation of removal or suspension of deportation) case
 - That is pending and the victim has received a prima facie determination from DHS or an immigration judge, or
 - That has been approved;
- The battered immigrant can demonstrate a substantial connection between the need for benefits and the abuse²⁴; and
- The battered immigrant spouse, child, or stepchild receiving benefits no longer lives with the abuser.²⁵

Federal and State²⁶ Public Benefits and Other Government Funded Programs Available to Qualified Battered Immigrants:

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.

²² To check the date when an approved self-petitioner may be eligible for LPR status and wait times, see *Visa Bulletin*, U.S. STATE DEP’T, <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html> (last visited Nov. 10, 2021).

²³ For a detailed discussion of the procedures for obtaining a prima facie determination from an immigration judge, see *Operating Policy and Procedure Memorandum 97-9: Motions for “Prima Facie” Determination and Verification Requests for Battered Spouses and Children*, U.S. DEP’T OF JUSTICE OFFICE OF THE CHIEF IMMIGRATION JUDGE (1997), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-DOJMemoPrimaFacieDeterminationVerification.pdf> (last visited Nov. 10, 2021).

²⁴ For an explanation of the substantial connection regulations, see *Guidance on Standards and Methods for Determining Whether a Substantial Connection Exists Between Battery or Extreme Cruelty and Need for Specific Public Benefits*, U.S. DEP’T OF JUSTICE (Dec. 11, 1997), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-DOJSubstantialConnectionGuidance-12.11.97.pdf> (last visited Nov. 10, 2021). For a full discussion of substantial connection, see Soraya Fata, Leslye E. Orloff and Monique Drew, *Access To Programs And Services That Can Help Victims of Sexual Assault and Domestic Violence*, LEGAL MOMENTUM AND NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sep. 25, 2011), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/PB-Man-Ch16-ProgramAccessforSexAssaultDVvictims.pdf> (last visited Nov. 10, 2021).

²⁵ The benefits granting agency should make benefits determinations and notify the victim of approval before she is required to leave the abuser. Benefits agencies can provide the victim benefits and give her a specified time by which she must provide the agency with proof that she is separated from her abuser.

²⁶ For comprehensive information on benefits available to VAWA self-petitioners in the states, see *All State Public Benefits Chars and Map (2021)*, NIWAP, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

VAWA self-petitioners become qualified immigrants upon receiving *prima facie* determinations from DHS or an immigration judge.²⁷

All qualified immigrants, including qualified battered immigrants, have immigrant eligibility to access the following federal public benefits programs.²⁸ 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 prima facie determination, subject to 5 year bar*²⁹
- Federal Crop Insurance—*open to all, no immigrant restrictions*.³⁰
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC)—*open to all, no immigrant restrictions*³¹
- Section 515 and Section 514/516 programs receiving Rural Development rental assistance— *eligible upon prima facie determination*.³²
- Rural Development Voucher Program— *eligible upon prima facie determination*.³³
- Section 514 Farm Labor Housing— *eligible upon prima facie determination*.³⁴
- Section 502 Direct Homeownership Loan Program— *eligible upon prima facie determination*.³⁵
- Section 504 Minor Rehabilitation Loan and Grant Programs for Single Family Homes— *eligible upon prima facie determination*.³⁶

Department of Education

- Title IV Federal Student Financial Aid—*eligible upon prima facie determination*.³⁷

²⁷ 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.

²⁸ To Compare, See Jordan Tacher, Aditi Kumar, Abigail Whitmore, and Leslye E. Orloff, *U-Visa Victim Immigration and Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Oct. 1, 2014), available at <https://niwaplibrary.wcl.american.edu/pubs/u-visa-benefits-benchmark>; 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/pubs/t-visa-benefits-eligibility>; *Special Immigrant Juvenile Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (forthcoming 2022), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/SIJS-Benefits-Eligibility-Benchmark.pdf>.

²⁹ Qualified immigrant children and stepchildren self-petitioners and children and stepchildren included in their parent's and stepparent's self-petitions who are under the age of 18 are immediately eligible for SNAP benefits. However, VAWA adult self-petitioners must wait for 5 years after becoming qualified 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 Assistance Programs*, NAT'L IMMIGRATION LAW CTR. (Jul. 2011), https://www.nilc.org/issues/economic-support/state_food/ (last visited Nov. 10, 2021).

³⁰ 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).

³¹ 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).

³² See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 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 (Sept., 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

³³ Id.

³⁴ Id.

³⁵ See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

³⁶ Id.

³⁷ For more information about the availability of funds for VAWA victims, see *Student Aid Eligibility - Eligibility for Title IV Aid for "Battered Immigrants-Qualified Aliens" as provided for in the Violence Against Women Act*, DEP'T OF EDUC. (June 4, 2010), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-MemoDearColleague-06.04.10.pdf> (last visited Nov. 10, 2021).

The Department of Health and Human Services³⁸

- Adoption Assistance—*eligible upon prima facie determination.*³⁹
- Administration on Developmental Disabilities (ADD) —*eligible for each of the following upon prima facie determination.*⁴⁰
 - State Developmental Disabilities Councils (direct services only) —*eligible upon prima facie determination.*⁴¹
 - ADD-Special Projects (direct services only) —*eligible upon prima facie determination.*⁴²
 - ADD-University Affiliated Programs (clinical disability assessment services only) —*eligible upon prima facie determination.*⁴³
- Adult Programs/Payments to Territories—*eligible upon prima facie determination.*⁴⁴
- Agency for Health Care Policy and Research Dissertation Grants—*eligible upon prima facie determination.*⁴⁵
- Child Care and Development Fund (CCDF)—*open to all persons without regard to immigration status.*⁴⁶
- Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse—*eligible upon prima facie determination.*⁴⁷
- Foster Care—*eligible upon prima facie determination.*⁴⁸
- Health Profession Education and Training Assistance—*eligible upon prima facie determination.*⁴⁹
- Independent Living Program—*eligible upon prima facie determination.*⁵⁰
- Low Income Heating Energy and Assistance Program (LIHEAP)—*eligible upon prima facie determination.*⁵¹
 - Residential Energy Assistance Challenge Option (REACH) —*eligible upon prima facie determination.*⁵²
- Medicare Premium Free – Part A—*eligible upon prima facie determination.*⁵³
- Medicare Premium “Buy In” Program—*eligible upon prima facie determination, subject to 5-year bar.*⁵⁴
- Medicaid (except assistance for an emergency medical condition)—*eligible upon prima facie determination, subject to 5-year bar.*⁵⁵

³⁸ 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].

³⁹ HHS Guidance at 41,658.

⁴⁰ HHS Guidance at 41,658.

⁴¹ HHS Guidance at 41,658.

⁴² HHS Guidance at 41,658.

⁴³ HHS Guidance at 41,658.

⁴⁴ HHS Guidance at 41,658.

⁴⁵ HHS Guidance at 41,658.

⁴⁶ For information on CCDF child care eligibility for immigrant victims see *Guide to Immigrant Eligibility for Federal Programs*, NAT’L IMMIGRATION LAW CTR., available at <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*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Mar. 13, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare>.

⁴⁷ HHS Guidance at 41,658.

⁴⁸ HHS Guidance at 41,658.

⁴⁹ HHS Guidance at 41,658.

⁵⁰ HHS Guidance at 41,658.

⁵¹ See *Summary of Immigrant Eligibility Restrictions Under Current Law*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (Feb. 25, 2009), available at <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), available at <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, available at <http://www.acf.hhs.gov/programs/ocs/programs/liheap> (last visited Oct. 25, 2021).

⁵² See *Residential Energy Assistance Challenge (REACH)*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, available at <https://liheapch.acf.hhs.gov/reach.htm>.

⁵³ Eligibility for assistance is based on authorized employment. Immigrant applicant must be lawfully residing. 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>.

⁵⁴ Must be a lawful permanent resident who has resided continuously in the U.S. for at least 5 years.

⁵⁵ 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

- State funded health care—*eligible upon prima facie determination or earlier, depending on the state during the 5-year bar, subject to state eligibility requirements.*⁵⁶
- Emergency Medicaid - *open to all persons without regard to immigration status.*⁵⁷
- Emergency Medicaid - *open to all persons without regard to immigration status.*⁵⁸
- Mental Health Clinical Training Grants—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁹
- 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,⁶⁰ covered by Emergency Medicaid,⁶¹ or provided to human trafficking victims or federally funded Substance Abuse Treatment Facilities.*⁶²
- Health Resources and Services Administration Programs (HRSA) —*open to all, no immigrant restrictions.*⁶³
- Health Screenings and Immunizations—*available to uninsured people without regard to immigration status through public health clinics.*⁶⁴
- Native Hawaiian Loan Program—*not eligible*⁶⁵
- 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.*⁶⁶
- Services for Survivors of Torture—*eligible if a survivor of torture without regard to immigration status.*⁶⁷

<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, available at <https://niwaplibrary.wcl.american.edu/state-by-state-immigrant-access-to-health-benefits> (last visited Nov. 10, 2021).

⁵⁶ 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 (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>;

⁵⁷ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (Dec. 7, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

⁵⁸ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (Dec. 7, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

⁵⁹ See HHS Guidance at 41,658.

⁶⁰ 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>.

⁶¹ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (Dec. 7, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

⁶² 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 (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 *Behavioral Health Treatment Facility Locator*, SAMHSA, <https://findtreatment.samhsa.gov/> (last visited Dec. 31, 2021); 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).

⁶³ 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 (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.

⁶⁴ 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*, CTNS. 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).

⁶⁵ Eligibility limited to Native Hawaiians and all Native Hawaiians are citizens. See also, HHS Guidance at 41,658.

⁶⁶ Refugees, asylees, and human trafficking victims receive a range of federally funded 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 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 *Resettlement Services*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES 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/pubs/t-visa-benefits-eligibility>.

⁶⁷ 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 OFFICE OF REFUGEE

- Social Services Block Grant (SSBG)—*immigrant restrictions vary by state.*⁶⁸
- State Child Health Insurance Program (SCHIP) — *must be under the age of 18 or pregnant, eligible upon prima facie determination, subject to 5-year bar.*⁶⁹
 - State funded child health care—*eligible upon prima facie determination during the 5 year bar or earlier, varies by state and state eligibility requirements.*⁷⁰
- Temporary Assistance for Needy Families (TANF)—*eligible upon prima facie determination, subject to 5 year bar.*⁷¹
 - State funded TANF Replacement Programs— *eligible upon prima facie determination, during the 5 year bar, subject to state eligibility requirements.*⁷²
 - TANF Funded Child Care – *requires and follows TANF eligibility and 5 year bar.*⁷³

Department of Homeland Security

- Emergency Disaster Assistance⁷⁴
- Disaster Assistance—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁷⁵

Department of Housing⁷⁶

- Unrestricted Housing Programs—*open to all immigrants no immigration restrictions.*⁷⁷
 - 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.*⁷⁸
 - Street Outreach Services—*open to all immigrants no immigration restriction.*⁷⁹

RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/services-survivors-torture>; *Domestic Healing Centers*, HEALTORTURE.ORG, <https://www.healtorture.org/content/domestic-healing-centers>.

⁶⁸ 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).

⁶⁹ 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, 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>.

⁷⁰ 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 IMMIGRATION LAW CENTER (Jul. 2021), available at <https://www.nilc.org/issues/health-care/medical-assistance-various-states/>.

⁷¹ For an analysis of federally funded access to 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>;

⁷² For a state by state analysis of state funded access to access to TANF, 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>; Table 8, *State-Funded TANF Replacement Programs*, NAT'L IMMIGRATION LAW CENTER (Apr. 2020), available at https://www.nilc.org/issues/economic-support/guide_tanf/.

⁷³ For a state by state analysis of state funded 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>.

⁷⁴ 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).

⁷⁵ Id.

⁷⁶ 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 (Feb. 8, 2017), 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.

⁷⁷ See 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* (Aug. 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?* (Sept. 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*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

⁷⁸ See *Three Federal Agencies Issue Joint Agency Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

⁷⁹ 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. DEPARTMENT OF

- Safe Haven—*open to all immigrants no immigration restrictions.*⁸⁰
- Rapid Re-Housing—*open to all immigrants no immigration restrictions.*⁸¹
- 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.*⁸²
- Low Income Housing Tax Credit—*open to all immigrants no immigration restrictions.*⁸³
- Section 202 Supportive Housing for the Elderly Program—*open to all immigrants no immigration restrictions.*⁸⁴
- Section 811 Supportive Housing for Persons With Disabilities Program—*open to all immigrants no immigration restrictions.*⁸⁵
- Section 221(d)(3) and (5) Multifamily Rental Housing For Moderate-Income Families—*open to all immigrants no immigration restrictions.*⁸⁶
- Community Development Block Grant housing (CDBG)—*open to all immigrants no immigration restrictions.*⁸⁷
- HOME Program: HOME Investment Partnerships—*open to all immigrants no immigration restrictions.*⁸⁸
- Home Opportunities for People with AIDs (HOPWA)—*open to all immigrants no immigration restrictions.*⁸⁹
- Indian Housing—*open to all immigrants no immigration restrictions.*⁹⁰
- Rental Rehabilitation—*open to all immigrants no immigration restrictions.*⁹¹
- McKinney-Vento/HEARTH Act Programs—*open to all immigrants no immigration restrictions.*⁹²
- Home Ownership and Opportunity for People Everywhere (HOPE 2)—*open to all immigrants no immigration restrictions.*⁹³
- Rural Housing Preservation Grants—*open to all immigrants no immigration restrictions.*⁹⁴
- Section 515 Rural Rental Housing Program—*open to all immigrants no immigration restrictions.*⁹⁵
- Section 538 Multifamily Loan Guarantees—*open to all immigrants no immigration restrictions.*⁹⁶
- Restricted Benefits available to VAWA Self-Petitioners—*eligible upon filing the VAWA self-petition.*⁹⁷

HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (Aug. 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?* (Sept. 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, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

⁸⁰ Id.

⁸¹ Id.

⁸² See 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* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; Programs of HUD, U.S. DEP'T OF HOUS. AND URBAN DEV. (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf> (last visited Nov. 19, 2021).

⁸³ See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

⁸⁴ Id.

⁸⁵ Id.

⁸⁶ Id.

⁸⁷ Id.

⁸⁸ Id.

⁸⁹ Id.

⁹⁰ Id.

⁹¹ Id.

⁹² Id.

⁹³ Id.

⁹⁴ Id.

⁹⁵ Id.

⁹⁶ Id.

⁹⁷ See generally *Access to Public and Assisted Housing VAWA Self-Petitioners*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 30, 2021), available at <https://niwaplibrary.wcl.american.edu/access-public-assisted-housing-vaawa-self-petitioners>. See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 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 (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

- Public Housing Programs—*eligible upon filing the VAWA self-petition.*⁹⁸
- Section 8 Housing Choice Voucher Program—*eligible upon filing the VAWA self-petition.*⁹⁹
- Project-Based Section 8 Voucher Program—*eligible upon filing the VAWA self-petition.*¹⁰⁰
- Section 236 Housing, with or without Rent Supplements (low-income units only)—*eligible upon filing the VAWA self-petition.*¹⁰¹
- Rent Supplement housing—*eligible upon filing the VAWA self-petition.*¹⁰²
- Section 235 Homeownership housing—*eligible upon filing the VAWA self-petition.*¹⁰³
- Housing Development Grants (HoDAG) (low-income units only) —*eligible upon filing the VAWA self-petition.*¹⁰⁴

Department of Justice

- Victims of Crime (VOCA) Victim Compensation Funds¹⁰⁵—*open to all victims without regard to immigration status except in Alabama*
- Victim Rights and Services – Federal Victim Witness Coordinators, Emergency Witness Assistance, Witness Security Program¹⁰⁶—*open to all, no immigrant restrictions*

Department of Labor¹⁰⁷

- Employment—*vary by state and are available to VAWA self-petitioners with work authorization*¹⁰⁸
 - One-Stop Career Centers Core and Intensive Services—*vary by state and are available to VAWA self-petitioners with work authorization*¹⁰⁹
 - Job Corps—*vary by state and are available to self-petitioners with work authorization*¹¹⁰

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)*¹¹¹

⁹⁸ See generally NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 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 (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

⁹⁹ Id.

¹⁰⁰ Id.

¹⁰¹ Id.

¹⁰² Id.

¹⁰³ Id.

¹⁰⁴ Id.

¹⁰⁵ For state-specific details, see *State Links*, NAT'L ASS'N OF CRIME VICTIM COMP. BDS., <https://nacvcb.org/state-information/> (last visited Nov. 10, 2021). Generally, the victim must (a) report the crime promptly to law enforcement, and cooperate with police and prosecutors (many states allow exceptions to this requirement, particularly for child victims); (b) submit a timely victim compensation application (some states provide exceptions); (c) have a cost or loss not covered by insurance or another government benefit program; and (d) not have committed a criminal act or some substantially wrongful act that caused or contributed to the crime (domestic violence, sexual assault and human trafficking victims are not considered to have contributed to the crime). Apprehension or conviction of the offender is not required. Only one state places immigrant restrictions on access to VOCA victim assistance (Alabama), in both states trafficking victims with ORR certification or eligibility letters or T-visas should be able to receive VOCA victim assistance to the same extent as refugees. For contact information for local crime victim service providers, see *Directory of Crime Victim Services*, OFFICE OF VIOLENCE AGAINST WOMEN, <https://ovc.ojp.gov/directory-crime-victim-services> (last visited Dec. 30, 2021). For a state by state analysis of VOCA assistance to immigrant crime victims, application information and health care access by immigration status of victim, see *Post Assault Health Care and Crime Victims Compensation For Immigrant Victims of Violence*, LEGAL MOMENTUM AND NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Jul. 2018), available at <https://niwaplibrary.wcl.american.edu/ch17-3-postassault-healthcare-compensation> (last visited Dec. 30, 2021).

¹⁰⁶ 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 (last visited Nov. 12, 2021).

¹⁰⁷ All vary by state and are available to trafficking victims with work authorization.

¹⁰⁸ VAWA self-petitions whose abusers are U.S. citizens or lawful permanent residents who file work for lawful permanent residency and work authorization together with their VAWA self-petition receive work authorization within 3 months of filing the VAWA self-petition.

¹⁰⁹ 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).

¹¹⁰ For employment opportunities, visit Job Corps, <https://www.jobcorps.gov/> (last visited Dec. 31, 2021).

¹¹¹ For further guidance, see Catherine Longville, Henrissa Bassey, and 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>.

Social Security Administration

- Supplemental Security Income (SSI)— *eligible upon prima facie determination, subject to five-year bar and other eligibility requirements.*¹¹²

¹¹² 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., available at <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>.