<table>
<thead>
<tr>
<th>Qualified Immigrant</th>
<th>HHS Certification</th>
<th>Lawfully Present</th>
<th>Limited Benefits Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TANF (Cash Assistance)</strong></td>
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<tr>
<td>VAWA: Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996. (After the first 12 months may be)</td>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry.</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18).</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry.</td>
<td></td>
<td></td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming).</td>
</tr>
<tr>
<td>T visa: with HHS certification or eligibility determination, eligible under the Victims of Human trafficking</td>
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<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming).</td>
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<td></td>
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<td></td>
<td>No federal eligibility.</td>
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<td></td>
<td></td>
<td></td>
<td>Not eligible.</td>
</tr>
</tbody>
</table>

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

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

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4300 Nebraska Avenue NW · Washington, D.C. 20016
(o) 202.274.4457 · info@niwap.org · http://niwaplibrary.wcl.american.edu/
| TANF | Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming). | Legal residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996. | Naturalized citizens: Eligible without restrictions. | Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees. | These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry. | Family members with T visa status are eligible without HHS certification or determination; they are eligible to the same extent as refugees and thus eligible regardless of date of entry. | Legal residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996. |这些合法居民享有与难民相同的身份，并且可以按照出生日期获得资格。 | Family members with T visa status eligible for CCDF-funded child care. | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start |
| Child Care | Children who are refugees are eligible for CCDF-funded child care and TANF-funded child care. | Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees. | Children who are T visa holders or applicants with Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or an HHS eligibility determination (under 18) are eligible for CCDF-funded child care and TANF-funded child care. | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start | | | | | |
| Child Care | Naturalized citizens: Eligible without restrictions.55 | prima facie (bona fide) determination are eligible for CCDF-funded child care.58 They are also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.59 | Certification or eligibility determination.41 | private child care provided after school or during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.42 | performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.43 | performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.44 | Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.45 Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.46 | Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.47 Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.48 | Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, 49 five years residency, elderly, or disabled.50 | Not eligible. Not eligible. |

| SNAP (Food Stamps) 51 | Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly (if lawfully residing in the U.S. on 8/22/96 disabled, or if Lawful Permanent Resident with 40 quarters of work credit.52 | Refugee/Asylee: Eligible with no additional conditions.55 T visa: Eligible with prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled).56 Also eligible under the Trafficking Victims Protection Act to the same extent as refugees.57 | Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).58 Family members with T visa status eligible without HHS certification or eligibility determination.59 | Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, 40 qualifying work quarters, or disabled.60 | Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, 40 qualifying work quarters, elderly, or disabled.61 | Not eligible. Not eligible. |
| SNAP | VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens | Refugee, Asylee, T Visa, Afghans, Ukrainians | T Visa\(^8/\) Continued Presence\(^9\) | Deferred Action for Childhood Arrivals (DACA)\(^10\) | Special Immigrant Juvenile Status (SIJS)\(^11\) | U Visa, bona fide, or wait list approval\(^12\) | U Visa Applicants | Undocumented |
---|---|---|---|---|---|---|---|---|
| Naturalized citizens: Eligible without restrictions.\(^53\) | These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.\(^50\) | | | | | | | |

The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status or naturalized citizenship.\(^72\) Applicants must live in the state in which they apply, but are not required to live there for a certain amount of time in order to meet the WIC residency requirement.\(^73\) Applicants must also have an income at or below an income level or standard set by the State agency or be determined automatically income-eligible based on participation in certain programs (TANF, SNAP benefits, Medicaid).\(^74\)

*In Arkansas, applicants should call to make an appointment at a Local Health Unit, satellite clinic or a WIC-only Clinic.*\(^75\) In Arkansas, income eligibility guidelines for pregnant, breastfeeding, or postpartum women, applying for their children, is to be set at 185% of the federal poverty level.\(^76\)

| Health Insurance on Exchanges\(^6\) | Eligible with VAWA prima facie determination,\(^77\) as a lawful permanent resident,\(^78\) or naturalized citizen,\(^79\) | Refugee: Eligible.\(^80\) Asylee: Eligible; applicants eligible if granted work authorization; | Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS | Not eligible.\(^86\) | Eligible upon filing SIJS application.\(^87\) | Eligible upon U visa, bona fide determination,\(^88\) or wait list approval.\(^89\) | Not eligible.\(^90\) | Not eligible.\(^91\) |
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<table>
<thead>
<tr>
<th>Health Insurance Exchanges</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa/ Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
<th>U Visa, bona fide, or wait list approval</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>applicants under 14 eligible if application pending at least 180 days.81 T visa: Eligible with prima facie (bona fide) determination on T visa application.82</td>
<td>eligibility determination (under 18).83 Family members with T visa status eligible without HHS certification or eligibility determination.84 These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.85</td>
<td>Human trafficking victims who arrived prior to August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.98</td>
<td>Eligible for emergency Medicaid regardless of immigration status.109 In Arkansas, prenatal care is available regardless of immigration status.110 In Arkansas, CHIP available for lawfully present children and pregnant children (including ISJS applicants).111 In Arkansas, prenatal care is available 120</td>
<td>Eligible for emergency Medicaid regardless of immigration status.120 In Arkansas, prenatal care is available regardless of immigration status.121</td>
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<tr>
<td>Child Health Insurance Program (CHIP)</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.93 Naturalized citizens eligible.94 Eligible for emergency Medicaid regardless of immigration status.95</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.98 T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.99 T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.100</td>
<td>Eligible for emergency Medicaid regardless of immigration status.109 In Arkansas, prenatal care is available regardless of immigration status.110 In Arkansas, CHIP available for lawfully present children and pregnant children (including ISJS applicants).111 In Arkansas, prenatal care is available 120</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.115 If arrived on or after August 22, 1996, eligible for emergency Medicaid regardless of immigration status.116 Eligible for emergency Medicaid regardless of immigration status.117</td>
<td>Eligible for emergency Medicaid regardless of immigration status.120 In Arkansas, prenatal care is available regardless of immigration status.121</td>
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<tr>
<td>CHIP</td>
<td>Full-Scope Medicaid^124</td>
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<tr>
<td><strong>Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent resident, including VAWA self-petitioning children with prima facie determinations and lawful permanent residents.</td>
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<td><strong>Refugee/Asylee:</strong> Eligible, exempt from five-year bar.</td>
<td>Human trafficking victims are eligible with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).</td>
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<tr>
<td><strong>T visa:</strong> with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.</td>
<td><em>Family members with T visa status eligible without HHS Certification or eligibility determination, exempt from five-year bar.</em></td>
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<tr>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td><strong>Deferred Action for Childhood Arrivals (DACA)^10</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td><strong>Special Immigrant Juvenile Status (SIJS)^11</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td><strong>U Visa, bona fide, or wait list approval.^12</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td><strong>U Visa Applicants</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td><strong>Undocumented</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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**Notes:**
- CHIP: In Arkansas, CHIP available for lawfully present children and pregnant children (including VAWA self-petitioning children with prima facie determinations and lawful permanent residents).
- CHIP: In Arkansas, prenatal care is available regardless of immigration or citizenship status.
- Full-Scope Medicaid: Eligible for emergency Medicaid regardless of immigration status.
- Full-Scope Medicaid: Eligible for emergency Medicaid regardless of immigration status.
<table>
<thead>
<tr>
<th>Full-Scope Medicaid</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa(^8)/ Continued Presence(^9)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^10)</th>
<th>Special Immigrant Juvenile Status (SIJS)(^11)</th>
<th>U Visa, bona fide, or waitlist approval(^12)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>regardless of immigration status or citizenship status.(^{127})</td>
<td>qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.(^{132})</td>
<td>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.(^{137})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{146})</td>
<td>subject to five-year bar.(^{149})</td>
<td>In, Arkansas, CHIP available for lawfully present pregnant persons (including U visa holders, and U visa applicants with bona fide determinations or waitlist approvals).(^{150})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{151})</td>
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<td>In, Arkansas, CHIP available for lawfully present pregnant persons (including VAWA self-petitioners with prima facie determinations and lawful permanent residents).(^{128})</td>
<td>In, Arkansas, CHIP available for lawfully present pregnant persons (including refugees, asylees, T visa holders, and T visa applicants with bona fide determinations).(^{133})</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{137})</td>
<td>In, Arkansas, CHIP available for lawfully present pregnant persons (including human trafficking victims with HHS certification or eligibility letters).(^{139})</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{146})</td>
<td>In, Arkansas, CHIP available for lawfully present pregnant persons (including U visa holders, and U visa applicants with bona fide determinations or waitlist approvals).(^{150})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{151})</td>
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<tr>
<td></td>
<td>In Arkansas, prenatal care is available regardless of immigration or citizenship status.(^{129})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{114})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{140})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{140})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{146})</td>
<td>In, Arkansas, CHIP available for lawfully present pregnant persons (including U visa holders, and U visa applicants with bona fide determinations or waitlist approvals).(^{150})</td>
<td>In Arkansas, prenatal care is available regardless of immigration status.(^{151})</td>
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<tr>
<td>Victims of Crime Act (VOCA)</td>
<td>The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.(^{156})</td>
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<tr>
<td>Family Medical Leave Act – State Law</td>
<td>Arkansas has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.(^{157})</td>
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<tr>
<td>Education-Federal Benefits:</td>
<td>VAWAs with prima facie determinations and all lawful permanent residents, eligible.(^{159})</td>
<td>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination</td>
<td>Not eligible for federal student aid.(^{163})</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency.(^{164})</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency.(^{165})</td>
<td>Not eligible for federal student aid.</td>
<td>Not eligible for federal student aid.</td>
</tr>
<tr>
<td>Federal Student Aid, Grants and Loans(^{188})</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,³ Afghans,⁴ Ukrainians⁵</td>
<td>T Visa⁸/ Continued Presence⁹</td>
<td>Deferred Action for Childhood Arrivals (DACA)¹⁰</td>
<td>Special Immigrant Juvenile Status (SIJS)¹¹</td>
<td>U Visa, bona fide, or wait list approval¹²</td>
<td>U Visa Applicants</td>
<td>Undocumented</td>
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<td>Naturalized citizens, eligible.¹⁶⁰</td>
<td>Certification or eligibility letter are eligible for federal student aid.¹⁶¹</td>
<td>on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid.¹⁶²</td>
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<tr>
<td>Education-State Law</td>
<td>All children, without regard to immigration status or citizenship are eligible to attend public elementary and secondary (K-12) schools. State schools may not request citizenship or immigration status information and may not bar students from enrolling in public elementary or secondary schools based on the citizenship or immigration status of the student, their parent, or their guardian.¹⁶⁶</td>
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<td>Although eligible to apply for and enroll in state funded colleges and universities without regard to immigration status,¹⁶⁷ students who are not qualified immigrants are not eligible in Arkansas for state funded post-secondary educational grants and loans.¹⁶⁸ DACA recipients are also eligible for in-state tuition at the state’s public colleges and universities if they have resided in Arkansas for 3 years and graduated from a public or private high school or received a high school equivalency diploma in Arkansas.¹⁶⁹</td>
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<td>Supplemental Security Income (SSI)¹⁷⁰</td>
<td>Eligible with VAWA prima facie determination if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.¹⁷¹ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.¹⁷²</td>
<td>Eligible during first seven years after the status was granted.¹⁷³</td>
<td>Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.¹⁷⁷</td>
<td>Eligible as a qualified immigrant with prima facie (bona fide) determination on T visa application if receiving SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,¹⁸³ subject to five-year bar for those who arrived on or after August 22, 1996,¹⁸⁴</td>
<td>Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work¹⁸⁵ subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled.¹⁸⁶</td>
<td>Not eligible.¹⁸⁸</td>
</tr>
<tr>
<td><strong>VAWA Self-Petitioners, Battered Spouse Waivers,(^1) Lawful Permanent Residents, and Naturalized Citizens</strong></td>
<td><strong>Refugee, Asylee, T Visa,(^3) Afghans,(^4) Ukrainians(^5)</strong></td>
<td><strong>T Visa(^8/) Continued Presence(^9)</strong></td>
<td><strong>Deferred Action for Childhood Arrivals (DACA)(^10)</strong></td>
<td><strong>Special Immigrant Juvenile Status (SIJS)(^11)</strong></td>
<td><strong>U Visa, bona fide, or wait list approval.(^12)</strong></td>
<td><strong>U Visa Applicants</strong></td>
<td><strong>Undocumented</strong></td>
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<tr>
<td><strong>SSI</strong></td>
<td>quarters of work,(^173) subject to five-year bar for those who arrived on or after August 22, 1996.(^174) Naturalized citizens, eligible.(^175)</td>
<td>now disabled.(^159) May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^180) This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.(^181)</td>
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<tr>
<td><strong>Professional and Occupational Licenses</strong></td>
<td>In AR, eligible for professional and occupational licenses upon receipt of work authorization.(^190) AR also allows DACA recipients with work authorization to obtain teaching licenses,(^191) and nursing licenses.(^192)</td>
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| **Driver’s License \(^{193}\)** | Under the REAL ID Act, evidence of “lawful status” or naturalized citizenship is required for a driver’s license to be accepted by a federal agency for official purposes.\(^194\) The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.\(^195\) All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).\(^196\) DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.\(^197\) In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”\(^198\) In Arkansas, driver’s licenses are issued by the Department of Finance and Administration. Applicants can receive a REAL ID compliant form of identification at regional offices.\(^199\) Arkansas requires the following documentation:  
  - **Proof of legal presence (Includes Employment authorization document \(^{200}\))**  
    - The stage in the immigration application process at which most immigrant crime victims will receive full a state issued driver’s license is upon receipt of employment authorization.\(^201\)  
  - **Proof of identity** |  |  |  |  |  |  |  |
| Driver’s License | • Proof of social security number (must be original document with full social security number including Social Security card, W-2 form, Form 1099, or pay stub)  
• Proof of Residency (must have two proofs of residency that are original documents with physical address)  
• Arkansas provides or renews a driver’s license only if it is demonstrated that the applicant’s continued presence in the U.S. is authorized under federal law. |

| Housing, Health, and Other Services Necessary to Protect Life or Safety | Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status or naturalized citizenship, and may not withhold those services based on immigration status. Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services (including federally qualified health centers); mental health, disability, or substance abuse assistance necessary to protect life or safety; activities designed to protect the life or safety of workers, children and youths, or community residents; programs to help individuals during periods of adverse weather conditions. |

| Public and Assisted Housing and Low-Income Housing Tax Credit (LIHTC) Housing | Eligible. Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility. USDA rental housing follows HUD procedures for processing VAWA self-petitions, so should be eligible for all USDA rental housing unless and until a final determination of ineligibility. |

| Refugee, Asylee, T Visa, Afghans, Ukrainians | T Visa\(^8\)/ Continued Presence\(^9\)  
| Deferred Action for Childhood Arrivals (DACA)\(^10\)  
| Special Immigrant Juvenile Status (SIJS)\(^11\)  
| U Visa, bona fide, or wait list approval\(^12\)  
| U Visa Applicants  
| Undocumented |
| Public and Assisted Housing and LIHTC | VAWA Self-Petitioners, Battered Spouse Waivers,律
Lawful Permanent Residents, and Naturalized Citizens | Refugee, Asylee, T Visa,律 Afghans,律 Ukrainians律 | T Visa/continued Presence律 | Deferred Action for Childhood Arrivals (DACA)律 | Special Immigrant Juvenile Status (SIJS)律 | U Visa, bona fide, or wait list approval律 | U Visa Applicants律 | Undocumented Law |  |
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<tr>
<td>Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),律 and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant律</td>
<td>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing律</td>
<td>Income Housing Tax Credit property律</td>
<td>In Arkansas, may be eligible to live in Low Income Housing Tax Credit property律</td>
<td>Income Housing Tax Credit property律</td>
<td>In Arkansas, may be eligible to live in Low Income Housing Tax Credit property律</td>
<td>Tax Credit property律</td>
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<td>Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit律</td>
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<td>Lawful permanent residents are eligible for public and assisted housing and for USDA Section 514/516 Farm Lab or Housing律和 USDA Section 521 Rural Rental Assistance律</td>
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<td>LIHTC</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,1 Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,2 Afghans,4 Ukrainians5</td>
<td>T Visa8/ Continued Presence9</td>
<td>Deferred Action for Childhood Arrivals (DACA)10</td>
<td>Special Immigrant Juvenile Status (SIJS)11</td>
<td>U Visa, bona fide, or wait list approval.12</td>
<td>U Visa Applicants</td>
<td>Undocumented</td>
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<td>Naturalized citizens are eligible for public and assisted housing219 and for USDA Section 514/516 Farm Lab or Housing;220 USDA Section 521 Rural Rental Assistance.221</td>
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<td>In Arkansas, may be eligible to live in Low Income Housing Tax Credit property. 222</td>
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**Income Tax Credits**

**Child Tax Credit:** Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes.257 A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).258 Immigrants eligible to receive social security numbers include naturalized citizens, lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations, and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.259

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

- A dependent child under the age of 13,
- A spouse who is unable to physically or mentally care for themselves, or
- An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.260

The child or dependent must have a social security number or ITIN.261 Immigrants eligible to receive social security numbers include naturalized citizens, lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.262

**Earned Income Tax Credit (EITC)**

<table>
<thead>
<tr>
<th>VAWA self-petitioners, lawful permanent residents, and naturalized citizens who263: have been granted work</th>
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<tbody>
<tr>
<td>Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have lived in the U.S. for</td>
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<tr>
<td>Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least</td>
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<td>DACA applicants who: are granted work authorization, have lived in</td>
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<td>SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year,280 have a</td>
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<td>Once granted lawful permanent residency or work authorization U visa holders and U visa applicants with deferred action</td>
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<td>Not eligible.</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
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<td>at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
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<td>EITC</td>
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<td>Legal Services</td>
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<td>Legal Services</td>
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<tr>
<td>funded agency handles upon receiving lawful permanent resident status,(^288) or spouses, parents, and unmarried children under age 21 of U.S. citizens(^289) become eligible for full representation on any matter upon filing an application for lawful permanent residency.(^290)</td>
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<td>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</td>
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<tr>
<td>Federal Emergency Management Agency (FEMA) Assistance</td>
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</table>
| Federal Emergency Management Agency | Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship. | FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to Refugees, Asylees, T visa applicants | Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18) | Not eligible. | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster | Not eligible. | Not eligible. | Not eligible.
| FEMA Assistance Programs | Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA). Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931. with prima facie (bona fide) determination. Emergency SNAP open to Refugees/Asylees (no five-year bar), and T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.  Membership in DACA (Deferred Action for Childhood Arrivals) continues to be determined on a case-by-case basis and subject to a waitlist approval. Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931. | Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931. | Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931. | Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931. |
| Unemployment Insurance | VAWA Self-Petitioners, Battered Spouse Waivers,1 Lawful Permanent Residents, and Naturalized Citizens | Refugee, Asylee, T Visa,3 Afghans,4 Ukrainians5 | T Visa6/ Continued Presence7 | Deferred Action for Childhood Arrivals (DACA)8 | Special Immigrant Juvenile Status (SIJS)11 | U Visa, bona fide, or wait list approval.12 | U Visa Applicants | Undocumented
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<td>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.384</td>
<td>Refugee: Eligible for UI upon receipt of work authorization.385 Asylee: Eligible for UI upon grant receipt of work authorization.386 T Visa: Eligible for UI upon receipt work authorization.387</td>
<td>Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization.388</td>
<td>Eligible for UI upon receipt of work authorization.389</td>
<td>Eligible for UI upon receipt of work authorization.390</td>
<td>Eligible for UI upon receipt of work authorization.391</td>
<td>Not eligible.392</td>
<td>Not eligible.393</td>
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2 See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a "prima facie" (bona fide) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).


5 See 22 U.S.C. § 7105(b)(1) (Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees.); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of

See DACA, NAT’L IMMIGRATION LAW CTR. (last visited Mar. 2, 2018), https://www.nilc.org/issues/daca/ (DACA is “deferred action” for certain undocumented youth who came to the United States as children.).

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


State benefits agencies are only allowed to ask for immigration status and social security number information for the family members who is the applicant for the benefit. See NAT’L IMMIGRATION LAW CTR., Privacy Protections in Selected Federal Benefits Programs (Feb. 21, 2018) https://www.nilc.org/wp-content/uploads/2018/03/privacy-protections-fed-programs-tbl-2018.pdf (providing guidelines on what information a State may request from a parent applying on behalf of a child applicant); see also Anna Pohl, Hema Sarangapani, Amanda Baran, and Cecilia Olavarria, Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits (Jul. 10, 2013), https://niwaplibrary.wcl.american.edu/pubs/ch4-3-importance-advocates; see also Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers In State Applications For Medicaid, State Children’s Health Insurance Program (Schip), Temporary Assistance For Needy Families (Tanf), and Food Stamp Benefits, U.S. Dep’t Health & Hum. Serv. (Mar. 24, 2006), https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhsqacitizenshippolicyguidance-03-24-06.

Battered Spouse Waiver victims are VAWA self-petitioners as defined in INA § 101(a)(51). To be eligible for a battered spouse waiver the victim must be a battered immigrant spouse of a U.S. citizen or lawful permanent resident who filed an immigration case on the battered spouse’s behalf through which the immigrant spouse was granted conditional permanent residency. Most battered spouse waiver applicants have conditional permanent residency at the time they file their battered spouse waiver application. Their public benefits eligibility is based either on their conditional permanent residency or on their battered spouse waiver application. It is important to note that after an abused immigrant spouse files their battered spouse waiver application, they become eligible for VAWA self-petitioning related deeming exceptions and eligible for state funded public benefits to the same extent as all other VAWA self-petitioners in states that grant self-petitioners access to state funded public benefits.


8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/. See Catherine Longville and Leslye Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions, (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-

19 DEP’T OF HEALTH & HUM. SERV., Administration for Children and Families, Office of Family Assistance, Q & A: Immigrants (August 20, 2019), https://www.acf.hhs.gov/ofa/faq/q-immigrants. (Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)

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

21 See 22 U.S.C. § 7105(b)(1); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons: Eligibility for “T” Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/. TANF benefits for refugees are available without a five-year waiting period, but are limited to five years. However, if the refugee attains lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as a lawful permanent resident by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. See NAT’L IMMIGRATION LAW CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.


NIWAP American University, Washington College of Law

28 8 U.S.C. § 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)). http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/ See Catherine Longville and Leslye Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions, (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/ Application of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in Nat’l Immigrant Women’s Advocacy Project (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. See 8 U.S.C. § 1631; Dep’t of Health & Hum. Servs., Off. of Fam. Assistance, TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0


30 8 U.S.C. § 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)). http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/ See Catherine Longville and Leslye Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions, (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/ Application of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in Nat’l Immigrant Women’s Advocacy Project (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. See 8 U.S.C. § 1631; Dep’t of Health & Hum. Servs., Off. of Fam. Assistance, TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0


35 Administration for Children and Families, Office of Family Assistance, Q & A: Immigrants, Dep’t of Health & Hum. Serv (August 20, 2019), https://www.acf.hhs.gov/ofa/faq/q-immigrants. (Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)

FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) (2017), https://www.fns.usda.gov/snap/eligibility (As with most public benefits, to obtain food stamps, individuals must also meet resource, income, and employment requirements. There is a pre-screening tool to determine if an individual might be eligible for nutrition assistance.); See also SNAP Policy on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (In general, non-citizens who have lived in the U.S. for 5 years or more, are blind or disabled, are under the age of 18, were admitted for lawful permanent residence with 40 qualifying quarters or are lawfully residing and are on active duty in the U.S. Army, Air Force, Marine Corps, or Coast Guard or honorably discharged are eligible.)


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


See 8 U.S.C. § 1641(c).


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


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

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


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

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

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


22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.


House Bill H.B. 1735 (Ark. 2021), An act to authorize occupational or professional licensure for certain individuals; and for other purposes (April 19, 2021) Available at https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FHB1735.pdf (allows undocumented individuals to obtain occupational and professional licensure upon receipt of work authorization).

House Bill H.B. 1594 (Ark. 2021), An act to amend the laws concerning teaching licenses; and for other purposes (April 1, 2021) Available at https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FHB1594.pdf (allows DACA recipients to receive teaching licenses upon receipt of work authorization).


197 See 6 C.F.R. § 37.11(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), http://niwaplrepository.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/ (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver’s licenses without waiting for work authorization. This may be an area for advocacy in individual cases).


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

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


207 Housing + Utilities, UNITED WAY, https://arkansas211.org/services/housing-utilities/ (last visited July 9, 2018).

208 Immigrants including victims who are lawfully residing in the United States or its territories and possessions under section 141 of the Compacts of Free Association between the U.S. and the Governments of the Marshall Islands, the Federated States of Micronesia and Palau are eligible for public and assisted housing. HUD PUBLIC AND INDIAN HOUSING, Eligibility Determination and Denial of Assistance, Citizenship Status 10 (November 2019) available at: https://www.hud.gov/sites/dfiles/PIH/documents/HCV_Guidebook_Eligibility_Determination_and_Denial_of_Assistance.pdf (last visited Aug. 27. 2022) (However in Guam, such immigrants are not entitled to a preference in receiving housing assistance over a U.S. citizen or national resident who is otherwise eligible for such assistance).

210 For detailed information about Low Income Housing Tax Credit (LIHTC) funding housing eligibility and how to find LIHTC funded units in communities across the country see, VAWA Home: Rights for Survivors in LIHTC https://www.vawahome.com/ (last visited February 10, 2022).


214 NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident. See 7 C.F.R. § 3560.11 (including immediate family member).)

215 See 7 C.F.R. § 3560.158(d); USDA MFH ASSET MANAGEMENT HANDBOOK HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.).

216 42 C.F.R. § 1436a(a)(1).


See Affordable Housing Programs, ARK. DEV. FIN. AUTH., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. See, DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/.


See Affordable Housing Programs, ARK. DEV. FIN. AUTH., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including refugees, asylees and T visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, NAT'L IMMIGR. L. CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

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


See Affordable Housing Programs, ARK. DEV. FIN. AUTH., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. See, DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/.


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

238 See Affordable Housing Programs, ARK. DEV. FIN. AUTH., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

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


241 See Affordable Housing Programs, ARK. DEV. FIN. AUTH., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

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

243 See Affordable Housing Programs, ARK. DEV. FIN. AUTH., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including U visa wait list approved applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency applicants approved for the U visa wait list will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

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

See Affordable Housing Programs, Ark. Dev. Fin. Auth., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency, U visa applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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

See Affordable Housing Programs, Ark. Dev. Fin. Auth., https://adfa.arkansas.gov/program/low-income-housing-tax-credit/ (last visited June 13, 2018). The Arkansas Development Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Undocumented immigrants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


26 U.S.C.A § 21(b); U.S. Dep’t of Treasury, I.R.S., Pub. 503, Child and Dependent Care Expenses, at 1, 3 (2017).


26 U.S.C. § 32(c)(1)(D); see also 26 U.S.C. § 6013(g); U.S. Dep’t of Treasury, I.R.S., Pub. 596, Earned Income Credit (EIC), at 5, 18 (2017); see also U.S. Dep’t of Treasury, I.R.S., Pub. 596, Earned Income Credit (EIC), at 5, 18 (2017); see also U.S. Dep’t of Treasury, I.R.S., Pub. 596, Earned Income Credit (EIC), at 5, 18 (2017);


26 U.S.C. § 32(c)(1)(D); see also 26 U.S.C. § 6013(g); U.S. Dep’t of Treasury, I.R.S., Pub. 596, Earned Income Credit (EIC), at 5, 18 (2017); see also U.S. Dep’t of Treasury, I.R.S., Pub. 596, Earned Income Credit (EIC), at 5, 18 (2017).


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

286 The abuse may have occurred either inside or outside of the U.S. See Ronald S. Flagg, General Counsel & Vice President for Legal Affairs, Legal Services Corporation, Program Letter 14-3: Assessing Eligibility of Aliens Under 45 C.F.R. § 1626.4(c)(1) (2014) (interpreting 45 C.F.R. § 1626.4(c)).

287 45 C.F.R. 1626.4 (b) (“Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, Nat’l Legal Aid & Defender Ass’n Cornerstone Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

288 45 C.F.R. § 1626.5(a).

289 45 C.F.R. § 1626.5(b).


291 45 C.F.R. § 1626.5(a)


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


297 See 45 C.F.R. § 1626.5(c).

298 See 45 C.F.R. § 1626.4(a)(1)(i) (trafficking victim); 45 C.F.R. §§ 1626.4 (a)(1)(ii) (parent of trafficking victim); 45 C.F.R. § 1626.2(k)(2) (A “victim of trafficking” under the anti-abuse regulation is a victim of any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services (HHS)); 45 C.F.R. § 1626.4(c)(2)(ii) (stating that to qualify for legal assistance by an LSC funded agency, the trafficking must have occurred in the U.S. or violate U.S. law, 45 C.F.R. § 1626.4(c)(1), and the trafficking victim must be present in the U.S. at the time of the application for legal assistance).

299 See 45 C.F.R. § 1626.4(a)(2).

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


304 See 45 C.F.R. § 1626.4(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1626.4(a)(2)(ii) (seeking certification); 45 C.F.R. § 1626.2(j) ("Victim of severe forms of trafficking" means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1626.4(c)(1) (stating that to qualify for legal assistance by an LSC funded agency, the victim must be present in the U.S. at the time of the application for legal assistance, 45 C.F.R. § 1626.4(c)(2)(ii), and the trafficking must have occurred in the U.S. or violated U.S. law).
See 45 C.F.R. § 1626.4(a)(2)(i)(B) (visa holder); 45 C.F.R. § 1626.4(a)(2)(ii) (visa applicant); 45 C.F.R. § 1626.4(c) (stating that eligibility for legal assistance under these provisions does not require HHS certification, 45 C.F.R. § 1626.4(a)(2)(ii), although the trafficking must either have occurred in the U.S. or violated U.S. law).

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


See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slavery; kidnaping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Lesley E. Orloff, Brittney Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, Nat’l Immigrant Women’s Advocacy Project (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

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

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

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

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


316 45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forcible detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”). See Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

317 45 C.F.R. § 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

318 45 C.F.R. § 1626.4(b) (“Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrants, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Lesly E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrants, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

320 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Lesly E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrants, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.


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


327 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest, domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

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

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

330 See 45 C.F.R. § 1626.5(a).


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


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

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

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

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


45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.” See Lesly E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).
See 45 C.F.R. § 1626.4(a)(1)(i) (victim); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

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

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

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


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Applicants under age 18 require an HHS eligibility determination (not a certification).


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

364 FEMA, You May Be Able to Get Disaster Assistance (February 21, 2023), https://www.fema.gov/sites/default/files/documents/fema_undocumented-immigrants-disaster-assistance_flyer_2023.pdf (listing naturalized citizens, lawful permanent residents, and certain battered non-citizens or their spouses or children which includes VAWA self-petitioners).


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


369 See American Red Cross and the Nat'l Council of La Raza, and NAT'L IMMIGRATION LAW CTR., Fact Sheet: Immigrant Eligibility for Disaster Assistance (June 2007), https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/ (explaining that to receive Disaster Unemployment Assistance (DUA), “qualified” immigrants must have employment authorization).


373 See 8 U.S.C. § 1641(c).


383 To be eligible for unemployment insurance, each class of immigrant must have had prior work authorization and had to have been working with the authorization at the time they applied for unemployment. Work authorization must remain valid while they receive unemployment and if work authorization expires, then so does the eligibility for unemployment.

384 8 U.S.C. § 1641(c)(1)(B)(i), or (ii); or 8 U.S.C. § 1641(c)(2), or (3).


386 INA § 208(d)(2); 8 C.F.R. § 274a.12(c)(8); 8 C.F.R. §§ 274a.12(a)(5). 8 U.S.C. § 1641(b)(2).


389 See Rebecca Smith, Immigrant Workers’ Eligibility for Unemployment Insurance, NAT’L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/ (“The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.”).


392 See Rebecca Smith, Immigrant Workers’ Eligibility for Unemployment Insurance, NAT’L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/ (“The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.”).