Access to State-Funded* Public Benefits in Delaware for Survivors,
Based on Immigration Status*
By: Monica Bates and Leslye E. Orloff† (With updates from Vipul Mendiratta)
May 14, 2019 (Updated January 28, 2024)

<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>TANF (Cash Assistance)</td>
<td>VAWA: Eligible with prima facie determination,¹¹ subject to five-year bar for those who</td>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry.¹⁷</td>
<td>Not eligible. ²¹</td>
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<td></td>
<td>Refugee, Asylee, T Visa,² Afghans, ³ Ukrainians ⁴</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on</td>
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<td></td>
<td>T Visa/⁵ Continued Presence⁶</td>
<td>Not eligible. ²¹</td>
<td>Eligible after receiving lawful permanency, subject to five-year bar for those who</td>
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<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
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<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who</td>
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<td>Special Immigrant Juvenile Status (SIJS)⁸</td>
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<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who who arrived on</td>
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<td>U Visa, bona fide, or wait list approval.⁹</td>
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<td>U Visa Applicants</td>
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<td>Undocumented</td>
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* Federally funded public benefits are in non-italicized typeface and state-funded public benefits are italicized.
† 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.
‡ © 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. This project was supported by Grant No 15JOVW-21-GK-02208-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women. 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.
³ See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs), for up-to-date details on LPR benefits eligibility see National Immigrant Law Center, Table 1, Overview of Immigrant Eligibility for Federal Programs (March 2023) https://www.nilc.org/issues/economic-support/table_overview_fedprogs/ and NIWAP’s Public Benefits Map https://niwaplibrary.wcl.american.edu/benefits-map); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parolee; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case. For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see Office of the Chief Immigration Judge, U.S. Dep’t of Justice, Operating Policy and Procedure Memorandum 97-9; Motions for “Prima Facie” Determination and Verification Requests for Battered Spouses and Children, http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/ (last visited Mar. 2, 2018).
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<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, 1 Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, 2 Afghans, 3 Ukrainians 4</th>
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<td>arrived on or after August 22, 1996. 12 (After the first 12 months may be subject to deeming). 13</td>
<td>T visa: with HHS certification or eligibility determination, eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees. 18</td>
<td>determination on a T visa application or with HHS eligibility determination (under 18). 20 These human trafficking victims are considered refugees and thus are eligible regardless of date of entry. 21</td>
<td>Family members with T visa status are considered refugees and are thus eligible without HHS certification regardless of date of entry. 22</td>
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<td>Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996 14 (may be subject to deeming) 15</td>
<td>At the state’s discretion, T visa holders or applicants eligible as qualified immigrants with prima facie (bona fide) determination, subject to five-year bar for those who entered on or after August 22, 1996. 19</td>
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<td>Naturalized citizens: Eligible without restrictions. 16</td>
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<td>Child Care</td>
<td>Children with prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care. 33</td>
<td>T visa: 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. 34</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</td>
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<td>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care. 33</td>
<td>Children who are T visa holders or applicants with prima facie (bona fide)</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</td>
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<td>TANF-funded childcare subject to five-year bar for immigrants who</td>
<td>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. 37</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</td>
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<td>Deferred Action for Childhood Arrivals (DACA)7</td>
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<td><strong>Child Care</strong></td>
<td>entered on or after August 22, 1996.31</td>
<td>determination are eligible for CCDF-funded child care.35 They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.36</td>
<td>care and TANF-funded child care, no need for HHS Certification or eligibility determination.38</td>
<td>public and 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.40</td>
<td>(2) Childcare is subject to Head Start performance standards; or (3) Eligibility for childcare services is determined by a nonprofit charitable organization.43</td>
<td>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.44 Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.45</td>
<td>public and 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.47</td>
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<td><strong>Naturalized citizens:</strong></td>
<td>Eligible without restrictions.32</td>
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<td><strong>SNAP (Food Stamps)48</strong></td>
<td>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.49</td>
<td>Refugee/Asylee: Eligible with no additional conditions.51</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a prima facie determination on a T visa application) or with an HHS eligibility determination (under 18).54</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.; under 18,58 five years residency, 40 qualifying work quarters,60 or disabled.61</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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<td>SNAP</td>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</td>
<td>Purchase Health Insurance on Exchanges&lt;sup&gt;6&lt;/sup&gt;</td>
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<td>Naturalized citizens: Eligible without restrictions.&lt;sup&gt;30&lt;/sup&gt;</td>
<td>Eligible with VAWA prima facie determination,&lt;sup&gt;73&lt;/sup&gt; as a lawful permanent resident,&lt;sup&gt;74&lt;/sup&gt; or naturalized citizen.&lt;sup&gt;75&lt;/sup&gt;</td>
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<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.&lt;sup&gt;56&lt;/sup&gt;</td>
<td>Refugee: Eligible.&lt;sup&gt;76&lt;/sup&gt;</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18).&lt;sup&gt;79&lt;/sup&gt;</td>
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<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status or naturalized citizenship.&lt;sup&gt;66&lt;/sup&gt; Applicants must live in the state in which they apply, but are not required to live there for a certain amount of time in order to meet the WIC residency requirement.&lt;sup&gt;69&lt;/sup&gt; Applicants must also have an income at or below an income level or standard set by the State agency or be determined automatically income-eligible based on participation in certain programs (TANF, SNAP benefits, Medicaid).&lt;sup&gt;70&lt;/sup&gt; In Delaware, applicants should call a WIC clinic to make an appointment or use the My WIC Client Portal to schedule an appointment and check program eligibility.&lt;sup&gt;71&lt;/sup&gt; In Delaware, income eligibility guidelines for parents applying for their children is determined according to household size.&lt;sup&gt;72&lt;/sup&gt;</td>
<td>Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.&lt;sup&gt;77&lt;/sup&gt;</td>
<td>Not eligible.&lt;sup&gt;82&lt;/sup&gt;</td>
<td>Eligible upon filing SIJS application.&lt;sup&gt;83&lt;/sup&gt;</td>
<td>Eligible upon U visa, bona fide determination,&lt;sup&gt;84&lt;/sup&gt; or wait list approval.&lt;sup&gt;85&lt;/sup&gt;</td>
<td>Not eligible.&lt;sup&gt;86&lt;/sup&gt;</td>
<td>Not eligible.&lt;sup&gt;87&lt;/sup&gt;</td>
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<td>T visa: Eligible with prima facie (bona fide) determination on T visa application.&lt;sup&gt;78&lt;/sup&gt;</td>
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<td>Refugee, Asylee, T Visa,&lt;sup&gt;2&lt;/sup&gt; Afghans,&lt;sup&gt;3&lt;/sup&gt; Ukrainians&lt;sup&gt;4&lt;/sup&gt;</td>
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<td>T Visa&lt;sup&gt;5&lt;/sup&gt;/ Continued Presence&lt;sup&gt;6&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;7&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;8&lt;/sup&gt;</td>
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<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, Afghan, Ukrainians</th>
<th>T Visa/Continued Presence</th>
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<tr>
<td><strong>Child Health Insurance Program (CHIP)</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence subject if arrived prior to August 22, 1996 and to five-year bar for those who arrived on or after August 22, 1996. Naturalized citizens eligible. Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar. 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.</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). Family members with T visa status are eligible without HHS Certification or eligibility determination.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<tr>
<td><strong>In Delaware, lawfully present children (including VAWA self-petitioners with prima facie determinations and children included in VAWA self-petitions, and all lawful</strong></td>
<td>In Delaware, lawfully present children (including refugees, asylees and T visa applicants with prima facie determinations) are eligible for medical assistance.</td>
<td>In Delaware, lawfully present children (including children who have filed SIJS applications) are eligible for medical assistance.</td>
<td>In Delaware, lawfully present children</td>
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<td>CHIP permanent residents are eligible for medical assistance.</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.</td>
<td>T visa; with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.</td>
<td>Family members with T visa status eligible with HHS Certification or eligibility determination, 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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<td>Full-Scope Medicaid</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 or after August 22, 1996.</td>
<td>Naturalized citizens eligible.</td>
<td>In Delaware, lawfully present immigrants (including refugees, asylees and T visa applicants with bona fide determinations) are eligible for medical assistance while pregnant.</td>
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**Medicaid**
- for medical assistance while pregnant.116
- eligible for emergency services and labor and delivery only.121
- In Delaware, lawfully present immigrants (including T visa applicants with bona fide determinations and trafficking victims with continued presence) are eligible for medical assistance while pregnant.126

**Victims of Crime Act (VOCA)**
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.141

**Family Medical Leave Act – State Law**
- Delaware has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.142

**Education-Federal Benefits: Federal Student Aid, Grants and Loans (FAFSA)**
- With VAWAs with prima facie determinations and all lawful permanent residents, eligible.144
- Naturalized citizens, eligible.145
- Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid.146
- Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid.147
- Not eligible for federal student aid.148
- Eligible for federal student aid upon receipt of lawful permanent residency.149
- Not eligible for federal student aid upon receipt of lawful permanent residency.150
- Not eligible for federal student aid.151
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<thead>
<tr>
<th><strong>Education-State Law</strong></th>
<th>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.151</th>
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<tr>
<td><strong>Supplemental Security Income (SSI)</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled. 154 May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979. 155 Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, 156 subject to five-year bar for those who arrived on or after August 22, 1996. 157 Naturalized citizens, eligible. 158</td>
</tr>
<tr>
<td><strong>Deferred Action for Childhood Arrivals (DACA)</strong></td>
<td>Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees. 165</td>
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<td><strong>Special Immigrant Juvenile Status (SIJS)</strong></td>
<td>Not eligible.</td>
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<tr>
<td><strong>U Visa, bona fide, or wait list approval.</strong></td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, 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. 169 Naturalized citizens may also be eligible if currently receiving SSI based on an application filed before 1979. 170</td>
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<tr>
<td><strong>U Visa Applicants</strong></td>
<td>Not eligible. 171</td>
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<tr>
<td><strong>Undocumented</strong></td>
<td>Not eligible. 172</td>
</tr>
<tr>
<td>Professional and Occupational Licenses</td>
<td>VAWA Self-Petitioners, Battered Spouse, Lawful Permanent Residents, and Naturalized Citizens</td>
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<td>-------------------------------------------------------------------------------------------------</td>
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</tbody>
</table>

No state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.

| Driver’s License173 | 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.174 The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.175 All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).176 DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.177 In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”

In Delaware, the following documentation is required:

- Proof of identity/legal presence (including Temporary resident alien card (I-688), Employment Authorization Card 178, Valid I-94 arrival/departure record, Refugee Travel Document (I-571), Permanent Resident Re-entry Permit, Permanent resident alien card (I-551 or similar document)
  - The stage in the immigration application process at which most immigrant crime victims will receive full a state issued driver’s license upon receipt of employment authorization.179
- Proof of Social Security Number (including Social security card, Tax documents (like W-2 or 1099) proving Social Security number, letter from Social Security stating non-eligibility)
- Proof of Delaware Residency (must provide 2 proofs with the applicant’s physical address)
- Proof of Immigration Status
- Proof of Name Change (if applicable) 180

| 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.181 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.182

In Delaware, Emergency Assistance funds may be available for rent and emergency shelters to help maintain self-sufficiency and prevent homelessness.183

<p>| Public and Assisted Housing, and Low-Income Housing Tax Credit (LIHTC) | VAWA Self-Petitioners Eligible. Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a HUD public and assisted housing;184 Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family | Refugee/Asylee, T visa holder or T visa applicant with prima facie (bona fide) determination eligible for: | Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family |</p>
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<tr>
<th>Public and Assisted Housing and LIHTC</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 Visa5/ Continued Presence6</th>
<th>Deferred Action for Childhood Arrivals (DACA)7</th>
<th>Special Immigrant Juvenile Status (SIJS)8</th>
<th>U Visa, bona fide, or wait list approval.9</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td>final determination of eligibility.199</td>
<td>USDA Section 515 Rural Rental Housing,202</td>
<td>(under 18), and family members with T visa status (no need for HHS certification or eligibility determination), 208 are eligible for: HUD public and assisted housing209 and USDA rental housing.210</td>
<td>Labor Housing if immediate family member of eligible domestic farm laborer.216</td>
<td>member of eligible domestic farm laborer.216</td>
<td>Upon receiving lawful permanent residency.220</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.221</td>
<td>Labor Housing if immediate family member of eligible domestic farm laborer.230</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.231</td>
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<tr>
<td>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 eligibility. Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.</td>
<td>USDA Section 521 Rural Rental Assistance, USDA Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer.</td>
<td>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.</td>
<td>Labor Housing if immediate family member of eligible domestic farm laborer.213</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.214</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.215</td>
<td>Upon receiving lawful permanent residency.221</td>
<td>Labor Housing if immediate family member of eligible domestic farm laborer.233</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.234</td>
</tr>
<tr>
<td>Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.207</td>
<td>In Delaware, may be eligible to live in Low Income Housing Tax Credit property.208</td>
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<tr>
<td>Lawful permanent residents are eligible for public and assisted housing204 and for USDA</td>
<td>USDA Section 515 Rural Rental Housing; USDA Section 521 Rural Rental Assistance; USDA Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer.</td>
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| LIHTC | VAWA Self-Petitioners, Battered Spouse Waivers, 
Lawful Permanent Residents, and Naturalized Citizens | Refugee, Asylee, T Visa, Afgans, Ukrainians | T Visa/ Continued Presence | Deferred Action for Childhood Arrivals (DACA) | Special Immigrant Juvenile Status (SIJS) | U Visa, bona fide, or wait list approval. | U Visa Applicants | Undocumented |
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<td><strong>Income Tax Credits</strong></td>
<td><strong>Child Tax Credit:</strong> Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes. A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN). Immigrants eligible to receive social security numbers include 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. 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.</td>
<td><strong>Child and Dependent Care Tax Credit:</strong> Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for— • A dependent child under the age of 13, • A spouse who is unable to physically or mentally care for themselves, or • An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months. The child or dependent must have a social security number or ITIN. Immigrants eligible to receive social security numbers include 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.</td>
<td><strong>Earned Income Tax Credit (EITC)</strong></td>
<td>VAWA self-petitioners, lawful permanent residents, and naturalized</td>
<td>Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful</td>
<td>Recipients of T visa bona fide determinations or continued presence</td>
<td>DACA applicants who: are granted work</td>
<td>SIJS recipients granted lawful permanent residency who: have lived in</td>
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<td>EITC</td>
<td>citizens who(^{241}) have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year,(^{242}) have a social security number valid for work,(^{243}) and have earned income during the tax year(^{244}) are eligible for the earned income tax credit (EITC).(^{245}) permanent residency who: have lived in the U.S. for at least 183 days during the tax year,(^{246}) have a social security number valid for work,(^{247}) and have earned income during the tax year(^{248}) are eligible for the earned income tax credit (EITC).(^{249})</td>
<td>who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year,(^{246}) have a social security number valid for work,(^{247}) and have earned income during the tax year(^{248}) are eligible for the earned income tax credit (EITC).(^{249})</td>
<td>the U.S. at least 183 days during the tax year,(^{258}) have a social security number valid for work,(^{259}) and have earned income during the tax year(^{260}) are eligible for the earned income tax credit (EITC).(^{261})</td>
<td>An immigrant who has been granted U visa status and a family member eligible to apply for U visa status(^{309}) is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.(^{302}) Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,(^{270}) or spouses, parents, and</td>
<td>(\text{Deferred Action for Childhood Arrivals (DACA)})^7</td>
<td>Special Immigrant Juvenile Status (SIJS)(^{8})</td>
<td>U Visa, bona fide, or wait list approval.(^{9})</td>
<td>U Visa Applicants</td>
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<tr>
<td>Legal Services(^{266})</td>
<td>An immigrant who (or whose child) is battered or subjected to extreme cruelty(^{267}) inside or outside of the United States(^{268}) is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.(^{269}) Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,(^{270}) or spouses, parents, and</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance(^{282}) for victims of domestic violence, sexual assault, stalking(^{280}) or dating</td>
<td>Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty,(^{280}) or sexual assault or trafficking in the U.S.,(^{301}) on matters related to the abuse.(^{302})</td>
<td>(\text{Deferred Authorization for} )</td>
<td>(\text{U Visa} )</td>
<td>(\text{U Visa Applicants} )</td>
<td>(\text{Undocumented} )</td>
<td>American University, Washington College of Law</td>
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<tr>
<td>Legal Services</td>
<td><strong>VAWA Self-Petitioners, Battered Spouse Waivers,</strong> Lawful Permanent Residents, and Naturalized Citizens</td>
<td><strong>Refugee, Asylee, T Visa,</strong> Afghans, Ukrainians</td>
<td><strong>T Visa</strong>/ Continued Presence</td>
<td><strong>Deferred Action for Childhood Arrivals (DACA)</strong></td>
<td><strong>Special Immigrant Juvenile Status (SIJS)</strong></td>
<td><strong>U Visa,</strong> bona fide, or wait list approval</td>
<td><strong>U Visa Applicants</strong></td>
<td><strong>Undocumented</strong></td>
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<td><strong>unmarried children under age 21 of U.S. citizens</strong> become eligible for full representation on any matter upon filing an application for lawful permanent residency.</td>
<td>for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<tr>
<td><strong>Lawful permanent residents, applicants for lawful permanent residency,</strong> and naturalized citizens are eligible for full representation.</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance as a victim of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<td>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, (^1) Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, (^2) Afghans, (^3) Ukrainians (^4)</td>
<td>T Visa(^5)/ Continued Presence(^6)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^7)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^8)</td>
<td>U Visa, bona fide, or wait list approval.(^9)</td>
<td>U Visa Applicants</td>
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<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^{333})</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^{335}) Refugees, asylees, T visa holders, and T visa applicants with prima facie (bona fide) determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance.(^{336})</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^{337}) Human trafficking victims with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18), are considered refugees and thus are eligible for LIHEAP heating/cooling and single-family weatherization assistance.(^{338})</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^{339})</td>
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<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^{343})</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^{344})</td>
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**Weatherization Assistance Program (WAP)** and Low-Income Home Energy Assistance Program (LIHEAP)

- Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.\(^{333}\)
- Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship.\(^{334}\)

**Federal Emergency Management Agency (FEMA) Assistance**

- Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status or naturalized citizenship. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.\(^{347}\)
- D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.\(^{348}\)

**Federal Emergency Management Agency (FEMA)-Restricted Programs**

- Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship\(^{50}\):
  - FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to Refugees, Asylees, T visa applicants with prima facie determination, lawful permanent residence, or naturalized citizenship.\(^{349}\)
  - 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), are considered refugees and thus are eligible for LIHEAP heating/cooling and single-family weatherization assistance.\(^{349}\)
  - Not eligible.

- Upon receiving lawful permanent residency:
  - Eligible for FEMA Assistance Programs, Individuals and Households Program

- Upon receiving lawful permanent residency:
  - Eligible for FEMA Assistance Programs, Individuals and Households Program

- Upon receiving lawful permanent residency:
  - Eligible for FEMA Assistance Programs, Individuals and Households Program

- Not eligible.\(^{364}\)
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<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
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<td>Refugee, Asylee, T Visa, Afghans, Ukrainians</td>
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<td>T Visa⁵/ Continued Presence⁶</td>
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<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
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<td>Special Immigrant Juvenile Status (SIJS)⁸</td>
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<td>U Visa, bona fide, or wait list approval.⁹</td>
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<td>U Visa Applicants</td>
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Deferred VAWA Self-Refugee, Asylee, T Visa,2 T Visa5/ Continued Presence6 Action for Special U Visa, bonafide, or wait list approval.9 U Visa Applicants Undocumented

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<tr>
<th>Unemployment Insurance</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,1 Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa,2 Afghans,3 Ukrainians4</th>
<th>T Visa5/ Continued Presence6</th>
<th>Deferred Action for Childhood Arrivals (DACA)7</th>
<th>Special Immigrant Juvenile Status (SIJS)8</th>
</tr>
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<tbody>
<tr>
<td>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.66</td>
<td>Refugee: Eligible for UI upon receipt of work authorization.367</td>
<td>Eligible for UI upon receipt of a prima facie (bona fide) determination.370</td>
<td>Eligible for UI upon receipt of work authorization.371</td>
<td>Eligible for UI upon receiving lawful permanent residency and receipt of work authorization.372</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 Trafficking in Persons).


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.).


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 will 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.


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, 20-24 (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-2003/2htm-0.

18 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). See NIWANL Library, American University, Washington College of Law, https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. 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, 20-24 (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-2003/2htm-0.


25 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)].


27 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)].


32 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.)


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48 See 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.)


60 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.)


65 See SNAP Policy on Non-Citizen Eligibility, U.S. Dep’t of Agric., Supplemental Nutrition Assistance Program, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.)


77 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 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/. 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.”).


86 Carly Erickson & Leslye E. Orloff, U-Visa Victim Benefits under the Affordable Care Act (ACA), NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (June 18, 2014), http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/.

87 Carly Erickson & Leslye E. Orloff, U-Visa Victim Benefits under the Affordable Care Act (ACA), NAT’L IMMGR. WOMEN’S ADVOC. PROJECT (June 18, 2014), http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/.

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91 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 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.

92 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.

93 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 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.
require an HHS eligibility determination (not a certification). See also 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.


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_owrv_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


152 U.S. Immigration and Customs Enforcement, Memo: Undocumented Students Authorized to Enroll in Post-Secondary Educational Institutions (July 24, 2008) https://niwaplibrary.wcl.american.edu/pubs/pb-gov-dhsundocustudentpost2ndeduaccess-7-24-08. This law applies to all states except those that have implemented state laws or policies that limit or deny enrollment in public colleges or universities which are Alabama, Georgia and South Carolina. (Current as of July 2021). 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_overw_fedprogs/.
LAW CTR., Current State Laws and Policies on Access to Higher Education for Immigrants (July 2021)


See 6 C.F.R. § 37.11(g)(1) (2012).


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://niwlibrary.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).


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).


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).


See 7 C.F.R. § 3560.158(d); USDA MFH ASSET MANAGEMENT HANDBOOK HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(c).


See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. See, DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-va-wa-sel-petitioner-verification-procedures/.


See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including 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_overview_fedprogs/. See also 22 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing).

See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including 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_overview_fedprogs/.

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


See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, T visa applicants with a bona fide determination and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved. NAT’L IMMIGR. L. CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/. See also 22 U.S.C. 7105(b) (2005) (Applicants under 18 require only HHS eligibility determination (not certification)); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%28%22pdf.


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

See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. 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.


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See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa wait list approved applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency 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 other unrestricted programs. See 7 C.F.R. § 3560.11 (2012).
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. 229 See 42 U.S.C. § 1485 (2011); 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/.

230 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).

231 See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency, U visa applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


233 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).

234 See Low Income Housing Tax Credits (LIHTC), DEL. STATE HOUS. AUTH., http://destatehousing.com/Developers/dv_lihtc.php (last visited June 20, 2018). The Delaware State Housing Authority allocates the federal Low Income Housing Tax Credits. The LIHTC program does not impose immigration restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Undocumented immigrants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


238 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).


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262 26 U.S.C.A § 6013(g) (West 2018).
267 Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. See 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).
268 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)).
269 45 C.F.R. 1626.4 (b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” “and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.
270 45 C.F.R. § 1626.5(a).
271 45 C.F.R. § 1626.5(b).


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. § 1626.5(c).  

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).

See 45 C.F.R. § 1626.4(a)(2).  

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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)(ii)(A) (visa holder); 45 C.F.R. § 1626.4(a)(2)(i)(B) (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 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 prosecution; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Batterering 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)(i) (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, 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-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

296 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.”).


299 See, e.g. office on violence against women, u.s. dep’t of justice, ovw fy 2017 legal assistance for victims (lav) grant program solicitation (2017), https://www.justice.gov/ovw/page/file/922496/download (listing representation of child sexual assault victims under age of 11 as out-of-scope for legal assistance for victims grant funded programs).

300 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 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.”). see lesley e. orloff, brittnay roberts & stefanie gitler, battering and extreme pattern of violence: 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).

301 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.).

302 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, henrisa bassey & leslye e. orloff, legal services access for all: implementing the violence against women act of 2005, nat’l legal aid & defender ass’n cornerstone jan.-apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing legal services corporation funded legal services available to immigrant victims of violence and their families); benish anver, henrisa bassey, & leslye e. orloff, and legal services access for all: implementing the violence against women act of 2005’s new path to legal services corporation funded representation for immigrant survivors of domestic violence, sexual assault, human trafficking, and other crimes, nat’l immigrant women’s advocacy project (niwap), (nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; catherine longville, henrisa bassey & leslye e. orloff, guide: access to publicly funded legal services for immigrant survivors, nat’l immigrant women’s advocacy project (niwap), (oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

303 See 45 c.f.r. § 1626.5(a).

304 See 45 c.f.r. § 1626.5(b); benish anver, henrisa bassey & leslye e. orloff, legal services access for all: implementing the violence against women act of 2005, nat’l legal aid & defender ass’n cornerstone jan.-apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing legal services corporation funded legal services available to immigrant victims of violence and their families); benish anver, henrisa bassey, & leslye e. orloff, and legal services access for all: implementing the violence against women act of 2005’s new path to legal services corporation funded representation for immigrant
305 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 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.”).  
309 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).  
310 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).  
311 “Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).” 45 C.F.R. 1626.4 (b); see also Benish Anver, Henrissa Bassey & 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/; 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/.  
312 See 45 C.F.R. § 1626.5(a).  
314 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.”).


318 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)(ii) (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).

319 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).

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. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child 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://niwapl library.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://niwapl library.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://niwapl library.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

321 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.”).


NIWAP American University, Washington College of Law
325 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 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).

326 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.).

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

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

329 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 Programs 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.”).


349 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).


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.

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.”).