### Access to State-Funded Public Benefits in Iowa for Survivors, Based on Immigration Status

By: Monica Bates and Leslye E. Orloff (With Updates by Mary Ann McLean)

May 15, 2019 (Updated January 29, 2024)

<table>
<thead>
<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,¹</th>
<th>HHS Certification</th>
<th>Lawfully Present</th>
<th>Limited Benefits Eligibility¹⁰</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee, Asylee, T Visa² Afghans,³ Ukrainians⁴</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18).⁰²⁹</td>
<td>Not eligible.³²</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.³³ (may be subject to deeming).³⁴</td>
</tr>
<tr>
<td>T Visa²/Continued Presence⁶</td>
<td></td>
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<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.³³ (may be subject to deeming).³⁴</td>
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<tr>
<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 arrived on or after August 22, 1996.³³ (may be subject to deeming).³⁴</td>
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<tr>
<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 arrived on or after August 22, 1996.³³ (may be subject to deeming).³⁴</td>
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<tr>
<td>U Visa, bona fide, or wait list approval.⁹</td>
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<tr>
<td>U Visa Applicants</td>
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<td></td>
<td>Not eligible.⁴⁸</td>
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<tr>
<td>Undocumented</td>
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<td></td>
<td>Not eligible.⁴⁸</td>
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<tr>
<th>TANF (Cash Assistance)</th>
<th>VAWA: Eligible with prima facie determination,¹¹</th>
<th>Refugee/Asylee: Eligible for TANF regardless of date of entry.¹²</th>
<th>T visa: with HHS certification or eligibility determination, eligible under the Victims of</th>
<th>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).²⁹</th>
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</thead>
</table>

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¹ Federally funded public benefits are in non-italicized typeface and state-funded public benefits are italicized.

² 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.

³ © 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.

⁴ 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_ovw_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: (1)(a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see Office of the Chief Immigration Judge, U.S. Dept. of Justice, Operating Policy and Procedure Memorandum 97-9; Motions for “Prima Facie” Determination and Verification Requests for Battered Spouses and Children, http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/ (last visited Mar. 2, 2018).

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National Immigrant Women’s Advocacy Project (NIWAP, pronounced new-app)

American University, Washington College of Law

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(o) 202.274.4457 · info@niwap.org · http://niwaplibrary.wcl.american.edu/
<table>
<thead>
<tr>
<th>TANF</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>
</tr>
</thead>
<tbody>
<tr>
<td>Lawful permanent residents:</td>
<td>Eligible subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming).</td>
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<td>Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees. 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.</td>
<td>Family members with T visa status are eligible without HHS certification or determination; they are eligible to the same extent as refugees and thus eligible regardless of date of entry.</td>
<td>In Iowa, abused immigrant with SIJS who gain lawful permanent residency are eligible or the Family Investment Program during the 5 year waiting period regardless of their date of entry into the U.S.</td>
<td>In Iowa, abused immigrant U visa holders SIJS who gain lawful permanent residency are eligible or the Family Investment Program during the 5 year waiting period regardless of their date of entry into the U.S.</td>
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<td>Naturalized citizens:</td>
<td>Eligible without restrictions.</td>
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<tr>
<td>In Iowa, abused immigrants that have an approved or pending visa petition setting forth a prima facie case for relief under VAWA, abused immigrants who are lawful permanent residents and conditional residents, and abused immigrants whose spouses or parents filed I-130 family visa petitions on the victim’s behalf are eligible for the Family Investment Program during the 5 year waiting period regardless of their date of entry into the U.S.</td>
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<td>In Iowa, abused immigrants who are asylum applicants are eligible for the Family Investment Program regardless of their date of entry into the U.S.</td>
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<td>Parents and children of these abused immigrants are also eligible.</td>
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<td>In Iowa, Refugee Cash Assistance may be available for refugees that are not eligible for the Family Investment Program.</td>
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<td>In Iowa, abused immigrant U visa holders who gain lawful permanent residency are eligible or the Family Investment Program during the 5 year waiting period regardless of their date of entry into the U.S.</td>
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<tr>
<td>Child Care</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Afghans, Ukrainians</td>
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<tr>
<td>Children with prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care.</td>
<td>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care.</td>
<td>Human trafficking victims with an HHS Certification (based on continued presence or a prima facie 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.</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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<tr>
<td>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.</td>
<td>T visas: 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.</td>
<td>Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination.</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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</tr>
<tr>
<td>Naturalized citizens: Eligible without restrictions.</td>
<td>Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care. They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.</td>
<td>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care. Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.</td>
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**In Iowa, abused immigrants eligible for TANF are eligible for TANF-funded child care with no five-year bar once eligible for TANF.**
<table>
<thead>
<tr>
<th><strong>Child Care</strong></th>
<th><strong>SNAP (Food Stamps)</strong></th>
<th><strong>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<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>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.(^{96}) 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.(^{97}) 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).(^{98}) In Iowa, applicants should call the agency closest to them to schedule an appointment.(^{99}) In Iowa, the income eligibility requirements for parents, stepparents, grandparents and foster parents to apply for their children, depends on the household size.(^{100})</td>
</tr>
<tr>
<td>T Visa(^5)/ Continued Presence(^6)</td>
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<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>
</tr>
<tr>
<td>In Iowa, abused (^{60}) immigrants eligible for TANF are eligible for TANF-funded child care with no five-year bar once eligible for TANF.(^{67})</td>
<td>In Iowa, abused (^{71}) immigrants eligible for TANF are eligible for TANF-funded child care with no five-year bar once eligible for TANF.(^{72})</td>
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<tr>
<td>Refugee/Asylee: 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).(^{76}) Naturalized citizens: Eligible without restrictions.(^{7778})</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).(^{82}) Family members with T visa status eligible without HHS certification or eligibility determination.(^{83}) These human trafficking victims are eligible to the same extent as refugees.(^{81}) Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, qualifying work quarters, or disabled.(^{89}) Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, 40 qualifying work quarters, elderly, or disabled.(^{95}) Not eligible. Not eligible.</td>
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<tr>
<td>Health Insurance on Exchanges&lt;sup&gt;e&lt;/sup&gt;</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,&lt;sup&gt;1&lt;/sup&gt; Lawful Permanent Residents, and Naturalized Citizens</td>
<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>Eligible with VAWA prima facie determination,&lt;sup&gt;101&lt;/sup&gt; as a lawful permanent resident,&lt;sup&gt;102&lt;/sup&gt; or naturalized citizen.&lt;sup&gt;103&lt;/sup&gt;</td>
<td>Refugee: Eligible.&lt;sup&gt;104&lt;/sup&gt; Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.&lt;sup&gt;105&lt;/sup&gt; T visa: Eligible with prima facie (bona fide) determination on T visa application.&lt;sup&gt;106&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;107&lt;/sup&gt; Family members with T visa status eligible without HHS certification or eligibility determination.&lt;sup&gt;108&lt;/sup&gt; These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.&lt;sup&gt;109&lt;/sup&gt;</td>
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<td>Child Health Insurance Program (CHIP)&lt;sup&gt;116&lt;/sup&gt;</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;117&lt;/sup&gt;</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.&lt;sup&gt;121&lt;/sup&gt; T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.&lt;sup&gt;122&lt;/sup&gt;</td>
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<thead>
<tr>
<th>CHIP</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
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<td>Eligible for emergency Medicaid regardless of immigration status.</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 without HHS Certification or eligibility determination (under 18).</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar.</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar.</td>
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<tr>
<td>Full-Scope Medicaid Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Naturalized citizens eligible.</td>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants.</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>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<table>
<thead>
<tr>
<th>Medicaid</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,(^1) Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa,(^2) Afghans,(^3) Ukrainians</th>
<th>T Visa(^4)/ Continued Presence(^6)</th>
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<tr>
<td>subject to five-year bar for those who arrived on or after August 22, 1996.(^{146})</td>
<td>eligible to the same extent as refugees and are exempt from five-year bar.(^{149}) Eligible for emergency Medicaid regardless of immigration status.(^{150})</td>
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<td>Victims of Crime Act (VOCA)</td>
<td>The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.(^{159})</td>
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<td>Family Medical Leave Act – State Law</td>
<td>Iowa has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.(^{160})</td>
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<td>Federal Education Education- Federal Benefits: Federal Student Aid, Grants and Loans(^{161})</td>
<td>With VAWA prima facie determination, or lawful permanent residence eligible.(^{162}) Naturalized citizens, eligible.(^{165})</td>
<td>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.(^{164})</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), and family members with T visa status, are eligible for federal student aid.(^{165})</td>
<td>Not eligible for federal student aid.(^{166})</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency.(^{167})</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency.(^{168})</td>
<td>Not eligible for federal student aid.</td>
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<tr>
<td>Education-State Law</td>
<td>All children, without regard to immigration status or citizenship are eligible to attend public elementary and secondary (K-12) schools. State schools may not request citizenship or immigration status information and may not bar students from enrolling in public elementary or secondary schools based on the citizenship or immigration status of the student, their parent, or their guardian.(^{169}) Eligible to apply for an enroll in state funded colleges and universities without regard to immigration status.(^{170})</td>
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\(^{1}\) Victims of Violence Against Women Act (VAWA)

\(^{2}\) Temporary Protected Status (TPS)

\(^{3}\) Afghans

\(^{4}\) Ukrainians

\(^{5}\) T Visa

\(^{6}\) Continued Presence

\(^{7}\) Deferred Action for Childhood Arrivals (DACA)

\(^{8}\) Special Immigrant Juvenile Status (SIJS)

\(^{9}\) U Visa

\(^{10}\) Undocumented

\(^{11}\) Victims of Crime Act (VOCA)

\(^{12}\) Family Medical Leave Act (FMLA)

\(^{13}\) Federal Education Education- Federal Benefits: Federal Student Aid, Grants and Loans

\(^{14}\) Education-State Law

\(^{15}\) Medicaid

\(^{16}\) Eligible for Medicaid regardless of immigration status.

\(^{17}\) In Iowa, a person who has been certified as a refugee or granted asylum by a United States agency can be provided with immediate resident status for admission, tuition and fee purposes if the person comes directly to Iowa from a refugee facility or port of debarkation or comes to the state within a reasonable time without establishing domicile in another state. A noncitizen eligible for in state tuition establishes Iowa residency in the same manner as a United States Citizen.\(^{171}\)
<table>
<thead>
<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa/ Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
<th>U Visa, bona fide, or wait list approval</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</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.</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.</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.</td>
<td>Not eligible.</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.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Professional &amp; Occupational Licenses</td>
<td>No state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.</td>
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</table>
| **Driver's License**<sup>192</sup> | 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.<sup>193</sup> The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.<sup>194</sup> All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).<sup>195</sup> DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.<sup>196</sup> In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”<sup>197</sup> In Iowa, for noncitizens to be issued a driver license or identification card the state Department of Transportation requires:<sup>198</sup>  
- Proof of identity and lawful presence<sup>199</sup> (including employment authorization document<sup>200</sup>, Refugee Travel Document (I-571), Valid I-94 stamped “Refugee”, “Parole or Parolee”, “Asylee”, Valid foreign passport with acceptable visa/I-94 arrival and/or departure record, Valid foreign passport stamped “Processed for I-551”, Permanent resident alien card (I-551), Permit to Reenter the U.S. (I-327))  
  - The stage in the immigration application process at which most immigrant crime victims will receive full a state issued driver’s license is upon receipt of employment authorization.<sup>201</sup>  
- Proof of social security (including Social Security card, tax documents such as W-2 or 1099 proving Social Security number)  
- Applicants must also pass the vision, written and driving tests and pay the applicable fees. <sup>202</sup>  |
| **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.<sup>203</sup> 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.<sup>204</sup> In Iowa, the Iowa Finance Authority administers the Emergency Solutions Grant (ESG) and provides street outreach, shelter, and rapid re-housing services to the homeless, and homelessness prevention services to those at risk of homelessness.<sup>205</sup> In Iowa, the Shelter Assistance Fund (SAF) program supports emergency homeless and domestic violence shelters. Those seeking assistance from recipients of SAF program funds must contact a local service provider for eligibility requirements.<sup>206</sup> |

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American University, Washington College of Law
<table>
<thead>
<tr>
<th>Public and Assisted Housing</th>
<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>
<th>T Visa 5/ Continued Presence 6</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>
</tr>
</thead>
</table>
| VAWA Self-Petitioners Eligible. Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility. 210 USDA rental housing follows HUD procedures for processing VAWA self-petitions, 211 so should be eligible for all USDA rental housing unless and until a final determination of ineligibility. Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 212 and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing. 217 | Refugee/Asylee, T visa holder or T visa applicant with prima facie (bona fide) determination eligible for: HUD public and assisted housing; 222 USDA Section 515 Rural Rental Housing; 223 USDA Section 521 Rural Rental Assistance; 224 USDA Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer. Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing. 227 | HRV M4ay 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), and family members with T visa status (no need for HHS certification or eligibility determination), 229 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 231 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 236 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 237 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 243 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 244 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 243 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 244 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 253 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 254 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 253 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 254 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 253 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 254 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 253 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 254 | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 253 and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. 254 | | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 236 | Eligible for HUD 229 and USDA rental housing. 231 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 245 | In Iowa, may be eligible to live in Housing Tax Credits and HOME property. 2
### Public and Assisted Housing and LIHTC

<table>
<thead>
<tr>
<th>Public and Assisted Housing and LIHTC</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>
<th>U Visa, bona fide, or wait list approval.9</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawful permanent residents are eligible for public and assisted housing215 and for USDA Section 514/516 Farm Lab or Housing;216 USDA Section 521 Rural Rental Assistance.217</td>
<td>Naturalized citizens are eligible for public and assisted housing218 and for USDA Section 514/516 Farm Lab or Housing;219 USDA Section 521 Rural Rental Assistance.220 In Iowa, may be eligible to live in Housing Tax Credits and HOME property.221</td>
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### Income Tax Credits

**Child Tax Credit:** Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes.256 A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).257 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.258

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

- A dependent child under the age of 13,
- A spouse who is unable to physically or mentally care for themselves, or
- An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.259

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1. VAWA Self-Petitioners, Battered Spouse Waivers
2. T Visa
3. Afghans
4. Ukrainians
5. T Visa
6. Continued Presence
7. Deferred Action for Childhood Arrivals (DACA)
8. Special Immigrant Juvenile Status (SIJS)
9. U Visa, bona fide, or wait list approval
10. U Visa Applicants
11. Undocumented
### Income Tax Credits

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.

### Earned Income Tax Credit (EITC)

<table>
<thead>
<tr>
<th>VAWA self-petitioners, lawful permanent residents, and naturalized citizens who have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, and are eligible for the earned income tax credit (EITC).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recipients of T visa who are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
</tr>
<tr>
<td>An immigrant who is a battered or extreme cruelty victim, nonimmigrant visa status, or is a victim of sexual assault is eligible for the LSC-funded legal assistance from Legal Services Corporation, and is eligible for legal assistance on any matter handled.</td>
</tr>
</tbody>
</table>

### Legal Services

<p>| An immigrant who is battered or subjected to extreme cruelty inside or outside of the United States is eligible for legal assistance from Legal Services Corporation (LSC)-funded agency. |
| An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, and derivative family members with (or applying for) T nonimmigrant visa status, and is a victim of sexual assault are eligible for legal assistance on any matter handled. |
| A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, and is eligible for the LSC-funded legal assistance. |
| An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for primary or derivative U visa status is eligible for legal assistance from Legal Services Corporation, and is a victim of sexual assault or trafficking in the U.S. is eligible for legal assistance from Legal Services. |</p>
<table>
<thead>
<tr>
<th>Legal Services</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa(^2)/ Continued Presence(^6)</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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</thead>
<tbody>
<tr>
<td>agencies on matters related to the abuse.(^{286})</td>
<td>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,(^{287}) or spouses, parents, and unmarried children under age 21 of U.S. citizens(^{288}) become eligible for full representation on any matter upon filing an application for lawful permanent residency.(^{289})</td>
<td>An immigrant who has been (or whose child has been) a victim of trafficking in the U.S, including a T visa holder,(^{297}) is eligible for legal assistance on any matter the LSC-funded agency handles.(^{298}) Eligible for Office of Violence Against Women funded Legal Assistance(^{299}) for victims of domestic violence, sexual assault, stalking(^{300}) or dating violence.(^{301}) Must be at least 11 years old.(^{302})</td>
<td>or trafficking in the U.S.,(^{310}) is eligible for legal services from LSC-funded agencies(^{311}) on matters related to the abuse.(^{312}) Eligible for Office of Violence Against Women funded Legal Assistance(^{313}) for victims of domestic violence, sexual assault, stalking(^{314}) or dating violence.(^{315}) Must be at least 11 years old.(^{316})</td>
<td>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,(^{320}) or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.(^{321}) Eligible for Office of Violence Against Women funded Legal Assistance(^{322}) for victims of domestic violence, sexual assault, stalking(^{323}) or dating violence.(^{324}) Must be at least 11 years old.(^{325})</td>
<td>(LSC)-funded agencies(^{327}) on matters related to the crime victimization.(^{328}) Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,(^{329}) or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.(^{330}) Eligible for Office of Violence Against Women funded Legal Assistance(^{331}) for victims of domestic violence, sexual assault, stalking(^{332}) or dating violence.(^{333}) Must be at least 11 years old.(^{334})</td>
<td>Corporation (LSC)-funded agencies(^{336}) on matters related to the crime victimization.(^{337}) Eligible for Office of Violence Against Women funded Legal Assistance(^{338}) for victims of domestic violence, sexual assault, stalking(^{339}) or dating violence.(^{340}) Must be at least 11 years old.(^{341})</td>
<td>for legal services from LSC-funded agencies(^{344}) on matters related to the abuse.(^{345})</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance(^{346}) for victims of domestic violence, sexual assault, stalking(^{347}) or dating violence.(^{348}) Must be at least 11 years old.(^{349})</td>
</tr>
<tr>
<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>
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<tr>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 350</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 352</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 354</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 357</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 359</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 361</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. 362</td>
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</tr>
<tr>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship. 351</td>
<td>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. 353</td>
<td>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. 355</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a prima facie determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance). 354</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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</tr>
</tbody>
</table>

**Federal Emergency Management Agency (FEMA) Assistance 363**

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. 364

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. 365

**Federal Emergency Management Agency (FEMA)-Restricted Programs 366**

Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship 357:  
- FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to Refugees, Asylees, T visa  
- 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  
- Not eligible.  
- Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster  
- Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster  
- Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster  
- Not eligible. 382
<table>
<thead>
<tr>
<th>FEMA</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa/ Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>applicants with prima facie (bona fide) determination. Eligible for Emergency SNAP open to Refugees/Asylees (no five-year bar), T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>determination (under 18) or family members with T visa status (no need for HHS certification or eligibility determination). These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.</td>
<td>Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Households Program (IHP), and Disaster Unemployment Assistance (DUA). Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
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</table>

*The Iowa Individual Assistance Program will provide up to $5,000 in reimbursement for families whose income is at or below the federal poverty level. All applicants in the household must be legal residents of the United States.*
<table>
<thead>
<tr>
<th>Unemployment Insurance</th>
<th>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship. 118</th>
<th>Refugee: Eligible for UI upon receipt of work authorization. 119</th>
<th>Asylee: Eligible for UI upon grant receipt of work authorization. 120</th>
<th>T Visa: Eligible for UI upon receipt of work authorization. 121</th>
<th>Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization. 122</th>
<th>Eligible for UI upon receipt of work authorization. 123</th>
<th>Eligible for UI upon receipt of work authorization. 124</th>
<th>Not eligible. 125</th>
<th>Not eligible. 126</th>
</tr>
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<tbody>
<tr>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, 1</td>
<td>Lawful Permanent Residents, and Naturalized Citizens</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.).


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

8 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.).


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

11 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.


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


18 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.)


18 U.S.C. §§ 1612(b)(2)(A)(ii); 1613(b)(1). Federal eligibility for refugees and asylees extends for the first five years after attaining that status. However, if they have attained lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as an LPR by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2); 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. See 8 U.S.C. §§ 1612(b)(2); 1613(b)(2). Or, in some states they have the option to continue their eligibility as a refugee or asylee beyond the five-year period. See 8 U.S.C. §§ 1612(b)(2); 1613(b)(2). Or, in some states they have the option to continue their eligibility as a refugee or asylee beyond the five-year period. See 8 U.S.C. §§ 1612(b)(2); 1613(b)(2).

23 8 U.S.C. §§ 1612(b)(2); 1613(b)(2). Federal law does not require states to impose the five-year time limit to trafficking victim eligibility as a qualified immigrant. For victims of severe forms of trafficking in persons, see 8 U.S.C. §§ 1612(b)(2); 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. 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. 


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/oha/resource/policy/pi-2003/p2003-2htm-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.)


OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERVS., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0


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


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, Attr’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/public-charge-deeming/


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, Attr’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/
51 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/ofafaq/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.)
52 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/pubs/1997-doig-internal-guidance-benefits/.
58 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/pubs/1997-doig-internal-guidance-benefits/.


Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child’s parent or parents is not relevant to this determination. See also SNAPSHOT ON NON-CITIZEN ELIGIBILITY, 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.)


See 8 USC §1612(a)(2)(A) and (L). Directly eligible for SNAP as refugees and asylees for seven years. However, they retain eligibility past the seven years since they will have transitioned into qualified immigrant status, with indefinite eligibility for SNAP, after five years. See 8 U.S.C. §1641(c); See also 8 U.S.C. § 1612(a)(1)-1612(a)(2). Battered immigrants are not subject to deeming for at least 12 months, with the possibility of extension. See Guidance on Non-Citizen Eligibility, U.S. DEPT’OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, available at https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Apr. 12, 2019).


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


93 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.)


104 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://niwapl.hhs.gov/pub/fh-hhs-lawfully-residing-medicaid-01-05-10-as-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.”).


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

120 22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years to continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/. See also 22 U.S.C. §§ 1614(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. See also 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. See also 22 U.S.C. § 7105(b)(1).
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_overw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


Victims of Crime Act (VOCA) compensation for crime victims is a program providing services necessary to protect health and safety of crime victims that helps victims heal and overcome the emotional and financial impact of crime victimization on their lives. VOCA compensation is separate from and does not fall within the definitions of “federal public benefit” or “state public benefit” under U.S. public benefits laws and thus is open to all crime victims without regard to immigration status. See, Joye E. Frost, Office for Victims of Crime, U.S. Department of Justice, Letter to Cassie T Jones Alabama Crime Victims’ Compensation Commission (July 2, 2010) available at https://niwaphlibrary.wcl.american.edu/pubs/oip-ovc-letter-on-access-to-voa-victim-compensation-7-2-2010.


U.S. Dep’t of Labor, Wage & Hour Division, Family Medical Leave Act, available at https://www.dol.gov/agencies/whd/FMLA (last visited September 1, 2022) (Provides up-to-date guidance, fact sheets, forms, interpretive guidance, laws, regulations and training tools).
T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. NAT’L IMMIGRATION LAW CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm.


8 U.S.C. § 16141(c).
VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.


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).

See generally NIHNL, 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-federal-assisted-housing/ (contains lists of housing programs that are unrestricted and lists of housing programs that various forms of immigration restrictions).

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.org/ (last visited February 10, 2022).


NIHNL, 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-federal-assisted-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). See 7 C.F.R. § 3560.11 (including immediate family member).
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); NHP, 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).


218 24 C.F.R. § 5.506(a)(1).


222 NAT’L IMMIGR. L. CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS (2017), https://www.nilc.org/issues/economic-support/table_overview_fedprogs/.


NIWAP American University, Washington College of Law

See Housing Tax Credit Program, Iowa Fin. Auth., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, T visa applicants with a bona fide designation and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved.


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 Housing Tax Credit Program, Iowa Fin. Auth., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


See 8 U.S.C. § 1641(b)(1) (2012). See Housing Tax Credit Program, Iowa Fin. Auth., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


See 8 U.S.C. § 1641(b)(1) (2012). See Housing Tax Credit Program, Iowa Fin. Auth., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


See 8 U.S.C. § 1641(b)(1) (2012). See Housing Tax Credit Program, Iowa Fin. Auth., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including U visa wait list approved applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency applicants approved for the U visa wait list will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).
252 See Housing Tax Credit Program, IOWA FIN. AUTH., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency, U visa applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


254 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).

255 See Housing Tax Credit Program, IOWA FIN. AUTH., http://www.iowafinanceauthority.gov/Public/Pages/PC116LN11 (last visited June 14, 2018). The Iowa Finance Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Undocumented immigrants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


259 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).


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) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitter, 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).

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

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

45 C.F.R. § 1626.5(a).

45 C.F.R. § 1626.5(b).


45 C.F.R. § 1626.5(a).


See, e.g., 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).
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.


303 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).

304 See 45 C.F.R. § 1626.4(a)(2)(i)(B) (visa holder); 45 C.F.R. § 1626.4(a)(2)(ii) (visa applicant); 45 C.F.R. § 1626.4(c) (stating that eligibility for legal assistance under these provisions does not require HHS certification, 45 C.F.R. § 1626.4(a)(2)(ii), although the trafficking must either have occurred in the U.S. or violated U.S. law).

305 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 of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

306 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.).

307 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, custody, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

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


45 C.F.R. §§ 1626.4(a)(1)(ii); 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 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/ (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); 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.).

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, custody, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

See 45 C.F.R. § 1626.5(a).


 45 C.F.R. §§ 1626.4(a)(1)(i)(ii)(iii) (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. § 1626.4(b) (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).

 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).

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

336 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).

337 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, patrieny, 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, NA’T LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families). Benish Anver, Henrissa Bassey, & Lesly E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NA’T 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, NA’T IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/.

338 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 related 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 related 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.”).


342 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.”) See Lesly E. Orloff, Brittany Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NA’T IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-orders/; Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vii) (2012).

343 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.).

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

345 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, patrieny, 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, NA’T 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, & 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, NA’T IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey &Lesly E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NA’T IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/.

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367 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).


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


390 See Rebecca Smith, Immigrant Workers’ Eligibility for Unemployment Insurance, NAT’L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), https://www.nclp.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.”).


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