

Bench Card on Immigrant Crime Victim’s and Immigrant Children’s Access to Public Benefits and Services¹

By Daniel Enos, Abigail Whitmore, Jordan Tacher, Leslye E. Orloff, and David Stauffer
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This Bench Card provides lists of federal and state public benefits that are available to assist immigrant victims of domestic violence, elder abuse, sexual assault, stalking, human trafficking, child abuse, abandonment, and neglect and immigrant victims other crimes. Early identification of immigrant victims by courts and referral to agencies² with expertise on immigration options for immigrant victims of crime victim and abuse, promotes greater access to benefits and services for victims and children and expands the help courts provide in court orders.³

Assistance Available to All Immigrant Survivors Without Regard to Immigration Status

In 1996, Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Act or PRWORA).⁴ and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA)⁵ severely limited access to “federal public benefits” and “federal means-tested public benefits” for many immigrants. This legislation also guaranteed as a matter of federal law and orders issued by the U.S. Attorney General that undocumented immigrants be provided access to programs and services necessary to “protect life and safety.”⁶

Programs Necessary to Protect Life and Safety—open to all, no immigrant restrictions.⁷

- Applies to all programs that meet the following criteria:
 - Offer in-kind services (services such as food, shelter, and other commodities);
 - Services are provided at the community level;
 - Regardless of the individual’s income or resources; and
 - Are necessary to protect life or safety.

The Department of Agriculture

- Federal Crop Insurance—*open to all, no immigrant restrictions.*⁸
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC)—*open to all, no immigrant restrictions.*⁹
- Assistance under the National School Lunch Act, the Child Nutrition Act of 1966—*open to all, no immigrant restrictions.*¹⁰
- Nutrition Assistance Necessary to Protect Life and Safety¹¹
 - Soup kitchens
 - Community food banks
 - Senior nutrition programs and other nutritional programs for persons requiring special assistance

Department of Education

- Public elementary and secondary education.¹²

The Department of Health and Human Services¹³

- Child Care and Development Fund (CCDF) programs that are Head Start Collaborations, Child Care Subject to Educational Standards, or run by charitable organizations—*open to all persons without regard to immigration status.*¹⁴
- Emergency Medicaid—*open to all persons without regard to immigration status.*¹⁵

- Health Resources and Services Administration Programs (HRSA) funded qualified health centers, community and migrant clinics—*open to all, no immigrant restrictions.*¹⁶
- Health screenings and immunizations—*available to uninsured people without regard to immigration status through public health clinics.*¹⁷
- Substance Abuse and Mental Health Services—*open to all persons without regard to immigration status if the services falls within Emergency Medicaid coverage,¹⁸ is necessary to protect life and safety,¹⁹ or is provided by certain federally funded Substance Abuse Treatment Facilities.*²⁰
- Services for Survivors of Torture—*open to all, no immigrant restrictions.*²¹
- Healthcare necessary to protect life and safety—*open to all persons without regard to immigration status.*²²
 - Mental health, crisis counseling, and intervention programs;
 - Medical and public health services (including treatment and prevention of diseases and injuries, such as immunizations);
 - Substance abuse assistance;
 - VOCA funded healthcare for crime victims (*see Department of Justice*).

Department of Homeland Security

- Emergency Disaster Assistance—*open to all, no immigrant restrictions.*²³

Department of Housing^{24 25}

- Unrestricted Housing Programs—*open to all immigrants no immigration restrictions.*²⁶
 - Short term shelter (emergency shelter and transitional housing)—*open to all immigrants who are victims of domestic violence, homeless, or abused, abandoned or neglected children.*²⁷
 - Street Outreach Services—*open to all immigrants no immigration restriction.*²⁸
 - Safe Haven—*open to all immigrants no immigration restrictions.*²⁹
 - Rapid Re-Housing—*open to all immigrants no immigration restrictions.*³⁰
 - Federally-funded Transitional Housing where the grant recipient or subrecipient owns or leases the building used to provide the transitional housing—*open to all immigrants no immigration restrictions.*³¹
 - Low Income Housing Tax Credit—*open to all immigrants no immigration restrictions.*³²
 - Section 202 Supportive Housing for the Elderly Program—*open to all immigrants no immigration restrictions.*³³
 - Section 811 Supportive Housing for Persons With Disabilities Program—*open to all immigrants no immigration restrictions.*³⁴
 - Section 221(d)(3) and (5) Multifamily Rental Housing For Moderate-Income Families—*open to all immigrants no immigration restrictions.*³⁵
 - Community Development Block Grant housing (CDBG)—*open to all immigrants no immigration restrictions.*³⁶
 - HOME Program: HOME Investment Partnerships—*open to all immigrants no immigration restrictions.*³⁷
 - Home Opportunities for People with AIDs (HOPWA)—*open to all immigrants no immigration restrictions.*³⁸
 - Indian Housing—*open to all immigrants no immigration restrictions.*³⁹
 - Rental Rehabilitation—*open to all immigrants no immigration restrictions.*⁴⁰
 - McKinney-Vento/HEARTH Act Programs—*open to all immigrants no immigration restrictions.*⁴¹
 - Home Ownership and Opportunity for People Everywhere (HOPE 2)—*open to all immigrants no immigration restrictions.*⁴²
 - Rural Housing Preservation Grants—*open to all immigrants no immigration restrictions.*⁴³
 - Section 515 Rural Rental Housing Program—*open to all immigrants no immigration restrictions.*⁴⁴

- Section 538 Multifamily Loan Guarantees—*open to all immigrants no immigration restrictions.*⁴⁵

Department of Justice

- Victims of Crime (VOCA) Victim Compensation—*open to all victims without regard to immigration status except in Alabama.*⁴⁶
- Victim Rights and Services—*open to all, no immigrant restrictions.*⁴⁷
- Programs necessary to protect life and safety.⁴⁸
 - Child protection
 - Adult protective services
 - Violence and abuse prevention
 - Protections for crime victims

Department of Labor

- Wage and Hour law enforcement—*open to all victims without regard to immigration status.*⁴⁹
- Workers compensation and workplace health and safety laws—*protect all workers without regard to immigration status.*⁵⁰

The Equal Employment Opportunity Commission

- Enforcement of employment rights under federal anti-discrimination laws including protections against sexual harassment—*protect all workers without regard to immigration status.*⁵¹

Legal Services Corporation

- Legal Services Corporation—*funds can be used to represent victims of domestic violence, child abuse, elder abuse, sexual assault, stalking, human trafficking and other U visa listed criminal activities in any type of case related to preventing, remedying, or overcoming the effects of the abuse.*⁵²

Social Security Administration

- Issuance of Individual Taxpayer Identification Numbers are issued by the Internal Revenue Service to help individuals comply with U.S. tax laws providing a means to process tax returns and refunds—*issued without regard to immigration status to persons not eligible to receive a social security number.*⁵³

Healthcare for Lawfully Present Immigrants

Immigrants need to be lawfully present to be able to purchase health care on the state health care exchanges.⁵⁴ States may also elect to provide state funded health care subsidies to immigrants; 32 states provide state funded health care for lawfully present children.⁵⁵ With regard to pregnant women, 24 states provide health care coverage to pregnant women and 12 other states provide access to prenatal care without regard to immigration status.⁵⁶ Lawfully present immigrant crime victims include:

- VAWA self-petitioners, VAWA cancellation of removal or VAWA suspension of deportation with a prima facie determination;
- SIJS applicant children;
- U visa victims who have been granted a U visa or deferred action (bona fide determination or wait-list approved);
- T visa applicants who have been granted T visas or bona fide determinations;
- Other immigrant survivors with lawful presence or who are qualified immigrants (discussed below).

The Department of Health and Human Services⁵⁷

- Medicaid — State funded health and mental health care—*states may elect to provide state funded health care to immigrant pregnant women who are lawfully present.*⁵⁸

- State Children’s Health Insurance Program (SCHIP)—*states may elect to provide state funded health care to immigrant children who are lawfully present.*⁵⁹
- Health Care Exchanges—*immigrants who are lawfully present are eligible to purchase health care on the state and federal health care exchanges*⁶⁰

Federal and State Funded Public Benefits Open to Qualified Immigrants

In addition to access to the health care as lawfully present immigrants and to programs necessary to protect life and safety open to all immigrants, victims of crime and abuse who file for immigration relief and become qualified immigrants are eligible to access a wide range of federal and state funded public benefits. Which benefit they can access and whether they must wait 5 years after becoming a qualified immigrant depends on:⁶¹

- What state the victim resides in;
- When the victim first entered the United States;
- What form of crime victim related or other immigration status the victim has applied for or been granted; and
- The public benefits program for which the victim is applying.

Any immigrant crime victim who is a *qualified immigrant* is eligible for many state and federal public benefits. Victims with the following immigration statuses are qualified immigrants:⁶²

- Lawful permanent residents;⁶³
- Asylees and refugees;
- Cuban and Haitian entrants;
- Immigrants paroled into the U.S. for more than a year;⁶⁴
- Immigrants granted withholding of removal and immigrants granted conditional entry;
- VAWA self-petitioners, VAWA cancellation of removal, and VAWA suspension of deportation applicants;
- Approved family based visa applicants who have been battered or subjected to extreme cruelty;
- T visa holders and T visa applicants with bona fide determinations.

Qualified immigrants are able to directly access many federal and state public benefits. Access to federal means-tested public benefits can require a 5-year wait and meeting heightened program requirements. States may elect to provide state funded benefits to qualified immigrants during the 5-year bar. The following benefit are open to qualified immigrants:

The Department of Agriculture

- Supplemental Nutrition Assistance Program (SNAP formerly Food Stamps)—*qualified immigrant children under age 18 are eligible; qualified immigrant adults are generally subject to a 5-year bar.*⁶⁵
- Section 515 and Section 514/516 programs receiving Rural Development rental assistance—*qualified immigrants are eligible.*⁶⁶
- Rural Development Voucher Program—*qualified immigrants are eligible.*⁶⁷
- Section 514 Farm Labor Housing—*qualified immigrants are eligible.*⁶⁸
- Section 502 Direct Homeownership Loan Program—*qualified immigrants are eligible.*⁶⁹
- Section 504 Minor Rehabilitation Loan and Grant Programs for Single Family Homes—*qualified immigrants are eligible.*⁷⁰

Department of Education

- Title IV Federal Student Financial Aid—*qualified immigrants are eligible.*⁷¹

The Department of Health and Human Services⁷²

- Adoption Assistance—*qualified immigrants are eligible.*⁷³
- Administration on Developmental Disabilities (ADD)—*qualified immigrants are eligible.*⁷⁴
 - State Developmental Disabilities Councils (direct services only)—*qualified immigrants are eligible.*⁷⁵
 - ADD-Special Projects (direct services only)—*qualified immigrants are eligible.*⁷⁶
 - ADD-University Affiliated Programs (clinical disability assessment services only)—*qualified immigrants are eligible.*⁷⁷
- Adult Programs/Payments to Territories—*qualified immigrants are eligible.*⁷⁸
- Agency for Health Care Policy and Research Dissertation Grants—*qualified immigrants are eligible.*⁷⁹
- Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse—*qualified immigrants are eligible.*⁸⁰
- Foster Care—*qualified immigrants are eligible.*⁸¹
- Health Profession Education and Training Assistance—*qualified immigrants are eligible.*⁸²
- Independent Living Program—*qualified immigrants are eligible.*⁸³
- Low Income Heating Energy and Assistance Program (LIHEAP)—*qualified immigrants are eligible.*⁸⁴
- Medicare Premium Free - Part A—*work authorized qualified immigrants are eligible.*⁸⁵
- Medicare Premium “Buy In” Program—*qualified immigrants are eligible subject to 5-year bar and meeting other eligibility requirements.*⁸⁶
- Medicaid—*qualified immigrants are eligible subject to the 5-year bar.*⁸⁷
 - State funded health care—*in a limited number of states qualified immigrants may be eligible for state funded health care earlier in the process based on state eligibility requirements.*⁸⁸
- Mental Health Clinical Training Grants—*qualified immigrants are eligible.*⁸⁹
- Substance Abuse and Mental Health Services—*qualified immigrants eligible subject to 5-year bar unless state funded,⁹⁰ covered by Emergency Medicaid,⁹¹ or by federally funded Substance Abuse Treatment Facilities.⁹²*
- State Children’s Health Insurance Program (CHIP)—*qualified immigrants are eligible subject to the 5-year bar. Must be under the age of 18 or pregnant.*⁹³
 - State funded child health care—*qualified immigrants may be eligible for state funded child health care earlier in the process based on state eligibility requirements.*⁹⁴
- Temporary Assistance for Needy Families (TANF)—*qualified immigrants are eligible subject to the 5-year bar.*⁹⁵
 - State funded TANF Replacement Programs—*qualified immigrants are eligible subject to the 5-year bar. Varies by state, subject to state eligibility requirements.*⁹⁶
- TANF Funded Child Care—*requires TANF eligibility*⁹⁷

Department of Homeland Security

- Disaster Assistance— *qualified immigrants are eligible.*⁹⁸

Department of Housing⁹⁹

- Restricted Housing Benefits—*qualified immigrants are eligible.*¹⁰⁰
 - Public Housing Programs—*qualified immigrants are eligible.*¹⁰¹
 - Section 8 Housing Choice Voucher Program—*qualified immigrants are eligible.*¹⁰²
 - Project-Based Section 8 Voucher Program—*qualified immigrants are eligible.*¹⁰³
 - Section 236 Housing, with or without Rent Supplements (low-income units only)—*qualified immigrants are eligible.*¹⁰⁴
 - Rent Supplement housing—*qualified immigrants are eligible.*¹⁰⁵
 - Section 235 Homeownership housing—*qualified immigrants are eligible.*¹⁰⁶

- Housing Development Grants (HoDAG) (low-income units only)—*qualified immigrants are eligible.*¹⁰⁷

Department of Labor¹⁰⁸

- Employment—*vary by state and are available to qualified immigrants with work authorization.*¹⁰⁹
 - One-Stop Career Centers Core and Intensive Services—*vary by state and are available to qualified immigrants with work authorization.*¹¹⁰
 - Job Corps—*vary by state and are available to qualified immigrants with work authorization.*¹¹¹

Social Security Administration

- Supplemental Security Income (SSI)—*qualified immigrants eligible, subject to five-year bar and other eligibility requirements.*¹¹²

Additional Benefits and Services for Trafficking Victims with HHS Certification or Eligibility Letters.¹¹³

Victims of severe forms of human trafficking who receive HHS certification or eligibility letters through Continued Presence, a T visa, or a bona fide determination in a T visa case are as a matter of law able to access all of the benefits and services discussed above and additionally are eligible to access the following programs that are also open to refugees and asylees.

The Department of Health and Human Services¹¹⁴

- Refugee Cash Assistance—*For the first 8 months after HHS certification or eligibility letter, or T visa.*¹¹⁵
- Refugee Medical Assistance—*For the first 8 months after HHS certification or eligibility letter, or T visa.*¹¹⁶
- Refugee Support Services—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹¹⁷
- Refugee Preferred Communities Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹¹⁸
- Refugee Health Promotion—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹¹⁹
- Refugee social services—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²⁰
- Refugee Microenterprise Development—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²¹
- Refugee Family Child Care Microenterprise Development—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²²
- Refugee Individual Development Accounts—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²³
- Refugee Voluntary Agencies Matching Grant Program—*Trafficking victims must enroll within 31 days of ORR certification or eligibility letter, or T visa.*¹²⁴
- Refugee Career Pathways—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²⁵
- Refugee Wilson-Fish TANF Coordination Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²⁶
- Refugee Agricultural Partnership Project—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²⁷
- Refugee Ethnic Community Self-Help—*eligible upon receipt of HHS certification or eligibility letter, a T visa, or other eligible immigrant status.*¹²⁸
- Services to Older Refugees—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹²⁹
- Refugee School Impact Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³⁰
- Youth Mentoring Program—*eligible upon receipt of HHS certification or eligibility letter, a T visa, or other eligible immigrant status.*¹³¹

- Refugee Unaccompanied Minors Program—*eligible upon receipt of refugee status or have an eligible immigration status and have applied for and been approved for either the Unaccompanied Refugee Minors Program (URM) and the Unaccompanied Children (UC) Program.*¹³²

State-Funded Benefits

While access to federal means-tested public benefits may be restricted based on immigration status and/or other limitations, states may enact state laws that extend or limit access to state funded public benefits to various categories of immigrants. Many states (42) offer some form of state funded public benefits to immigrants that provide access to state publicly funded assistance that provides assistance that goes beyond what immigrants are eligible for under federal public benefits programs.¹³³ The state funded benefits most commonly extended to immigrants (40 states) are access to state funded prenatal care, health care for children through CHIP and/or access to state funded medical assistance.¹³⁴ A smaller number of states (22 states) extend access to state funded TANF to some groups of immigrants.¹³⁵ A few states (6) provide state funded nutrition assistance to immigrants who are not eligible for federal food assistance.¹³⁶ Conversely, some states (12) have passed laws that limit the ability of immigrants to access some federally funded public benefits for immigrants living in those states.¹³⁷

As a result, which state or federally funded public benefits an immigrant qualifies for varies by state, by public benefits program, by when the immigrant first entered the United States, by what form of immigration relief, if any, and the immigrant may have or may have filed for. Additionally, with regard to some public benefits programs immigrant crime victims will have more access to state or federally funded public benefits than other immigrants in their state.

NIWAP has created an on-line public benefits map that can be used to identify which immigrants qualify for which benefits programs in each state. The benefits map details eligibility information based on the benefit sought, immigration status, and state in which the immigrant who may need benefits lives. The on-line public benefits map is organized by type of benefit and by state. Users can look up whether and which types of state or federally funded benefits or services the immigrant they are working with qualifies for in their states. The on-line benefits map will state for each benefits program which categories of immigrants are eligible, eligible with conditions or are not eligible for that benefits program in the state.

When the on-line map indicates that an immigrant may be eligible or eligible if they meet certain conditions for a state or federally funded benefit or service in a state, the on-line map also provides a link to a full public benefits chart for the state. The public benefits chart will connect users to more detailed information about benefits access for immigrants in the state and contains endnotes that cite and provide links to the controlling state and federal statutes, regulations, policies and websites that govern the public benefits in each state. The state charts serve as an extensive and detailed resource for practitioners, advocates and survivors to make determinations as to what benefits are available to them.

To view the public benefits map, please view: <http://map.niwap.org/>. To view detailed charts on the state benefits, view: <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>. For an explanation on how to best utilize the map, view this guide: <http://niwaplibrary.wcl.american.edu/guide-to-public-benefits-map/>.

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² To identify local programs and programs in the state with this expertise see *Directory of Programs With Experience Serving Immigrant Victims*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims>.

³ For a more detailed overview of benefits access by victim related immigration case type see Jordan Tacher, Aditi Kumar, Abigail Whitmore, and Leslye E. Orloff, *U-Visa Victim Immigration and Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Dec. 31, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/u-visa-benefits-benchcard>; Jordan Tacher, Abigail Whitmore, and Leslye E. Orloff, *Trafficking Victim Immigration and Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Dec. 31, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/t-visa-benefits-eligibility>; Jordan Tacher, Abigail Whitmore and Leslye E. Orloff, *VAWA Public Benefits Eligibility Process: VAWA Self-petitioners, VAWA Cancellation of Removal, VAWA Suspension of Deportation, and Battered Spouse Waiver Applicants*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Apr. 17, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/vawa-eligibility-process>; *Special Immigrant Juvenile Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (forthcoming 2022), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/SIJS-Benefits-Eligibility-Benchcard.pdf>.

⁴ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, 2267 (1996) [hereinafter PRWORA].

⁵ Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. 104-208, 110 Stat. 3009-546 (1996) [hereinafter IIRAIRA].

⁶ IIRAIRA § 508, 8 U.S.C. § 1642(d) (2011).

⁷ 8 U.S.C. § 1611(b)(1)(E) (2011). See also Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, at 3616 (Jan. 16, 2001), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-protectionlifeorsafetyag-1-16-01>.

⁸ See Bulletin No: MGR-05-008 Eligibility for Federal Crop Insurance Benefits for Non-Citizens without a Social Security Number (SSN), U.S. DEP'T OF AGRIC. (May 26, 2005), available at <https://legacy.rma.usda.gov/news/managers/2005/PDF/mgr-05-008.pdf> (last visited Dec. 31, 2021).

⁹ 7 C.F.R. § 246.7(c)(3); For more information on WIC eligibility and how to apply for the benefits, see *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited Dec. 29, 2021).

¹⁰ 8 U.S.C. § 1615(a).

¹¹ See Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, at 3616 (Jan. 16, 2001) available at <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-protectionlifeorsafetyag-1-16-01>.

¹² See Plyler v. Doe, 457 U.S. 202, 222 (1982).

¹³ See DEP'T OF HEALTH AND HUMAN SERVS., Interpretation of "Federal Public Benefit," 63 Fed. Reg. 41,658, 41,659 (Aug. 4, 1998) (PRWORA does not identify the specific benefits that are 'Federal public benefits,' and the definition in section 401(c), standing alone, does not provide sufficient guidance for benefit providers to make that determination. Thus, HHS published a list of HHS programs that are Federal Public Benefits and therefore are only open to qualified immigrants.) [hereinafter HHS Guidance].

¹⁴ For information on CCDF child care eligibility for immigrant victims see *Guide to Immigrant Eligibility for Federal Programs*, NAT'L IMMIGRATION LAW CTR., <https://www.nilc.org/issues/economic-support/updatepage/> (last visited Oct. 25, 2021); CLASP, IMMIGRANT ELIGIBILITY FOR FEDERAL CHILD CARE AND EARLY EDUCATION PROGRAMS 2 (Apr. 2017), available at <https://www.clasp.org/sites/default/files/public/resources-and-publications/publication-1/Immigrant-Eligibility-for-ECE-Programs.pdf>. See also Benish Anver and Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare>.

¹⁵ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>. (Emergency Medicaid covers all COVID-19 related testing, vaccinations and treatment).

¹⁶ To find an HRSA funded Health Care Center, see *Find a Health Center*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. HEALTH RES. AND SERVICES ADMIN., http://findahealthcenter.hrsa.gov/Search_HCC.aspx (last visited Mar. 22, 2013). HRSA offers health care and support to uninsured, underserved, and special needs populations. HRSA issues grants to federally funded health centers that are available to anyone regardless of their ability to pay. The health centers charge patients using a sliding fee scale, based on their income. Health centers provide well-care checkups, treatment for sick patients, complete care for pregnant patients, immunizations and checkups for children, dental care, prescription drugs, as well as mental health and substance abuse care.

¹⁷ PRWORA § 401(b)(3), 8 U.S.C. § 1611(b)(1)(C) (2011). (Immunizations and treatment of communicable diseases is exempt from immigrant restrictions. Screenings are conducted by State or local health departments for the diagnosis, treatment and prevention of communicable diseases and other conditions of public health importance. This usually includes screening for tuberculosis (TB), parasites, and hepatitis B, as well as school vaccinations.) See *Fact Sheet: Victim Assistance*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT (Aug. 7, 2012), <http://www.acf.hhs.gov/programs/orr/resource/fact-sheet-victim-assistance-english> (last visited Nov. 19, 2021).

¹⁸ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (2016), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>

¹⁹ See Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, at 3616 (Jan. 16, 2001), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-protectionlifeorsafetyag-1-16-01>.

²⁰ SAMHSA funded programs include programs that may provide services to immigrants without regard to immigration status. To find mental health treatment programs, see *Find Treatment*, SAMHSA, <https://www.samhsa.gov/find-treatment> (last visited Oct. 25, 2021). To find a substance abuse and/or mental health treatment program, see *Substance Abuse Treatment Facility Locator*, SAMHSA, <https://findtreatment.gov/> (last visited Dec. 31, 2021) (The search results on this site can be filters to sort for free treatment for persons who do not have health insurance or the means to pay for services. National Suicide Prevention Lifeline: call 1-800-273-TALK (8255). See also NAT'L SUICIDE PREVENTION LIFELINE, <http://www.suicidepreventionlifeline.org/> (last visited Mar. 22, 2013).

²¹ The Services for Survivors of Torture (SOT) program helps people who have been tortured in another country and are now living in the United States. See *Services for Survivors of Torture*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/services-survivors-torture> (last visited Dec. 31, 2021).

²² See Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, at 3616 (Jan. 16, 2001), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-protectionlifeorsafetyag-1-16-01>.

²³ PRWORA § 401(b)(2), 8 U.S.C. § 1611(b)(2); Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public

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

²⁴ See *Letter from Andrew Cuomo, Sec'y, U.S. Dep't of Hous. And Urban Dev., to HUD Funds Recipients* (Jan. 19, 2001), available at <https://niwaplibrary.wcl.american.edu/pubs/hud-memo-transitional-housing> (last visited Dec. 31, 2021); 8 U.S.C. § 1611(b)(1)(D) (2011). See also Catherine Longville and Leslye E. Orloff, *Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (May 22, 2014), available at <https://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants>. (Last visited Dec. 31, 2021).

²⁵ For a listing of all Public and Assisted Housing programs through HUD, see *HUD Programs and Immigrant Eligibility*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Man-Ch16.2-HUDProgramsImmEligibility-7.10.13.pdf> (last visited Dec. 31, 2021). The first section of the appendix lists programs that are only available to "qualified immigrants." The second section lists the remaining programs that are available to all immigrants regardless of their status.

²⁶ See OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter and Rental Housing Assistance Are Available to Immigrant Survivors During COVID-19?* (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>; Three Federal Agencies Issue Joint Agency Letter On Shelters and Transitional Housing (August 12, 2016) <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

²⁷ 8 U.S.C. § 1611(b)(1)(D); See *Three Federal Agencies Issue Joint Agency Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (August 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

²⁸ See U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, PROGRAMS OF HUD 19 (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf>; OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter and Rental Housing Assistance Are Available to Immigrant Survivors During COVID-19?* (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>; *Three Federal Agencies Issue Joint Agency Letter On Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

²⁹ Id.

³⁰ Id.

³¹ See OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, PROGRAMS OF HUD (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf> (last visited Nov. 19, 2021).

³² See generally NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

³³ Id.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ Id.

³⁸ Id.

³⁹ Id.

⁴⁰ Id.

⁴¹ Id.

⁴² Id.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Id.

⁴⁶ For state-specific details, see *State Links*, NAT'L ASS'N OF CRIME VICTIM COMP. BDS., <https://nacvcb.org/state-information/> (last visited Nov. 22, 2021). Generally, the victim must (a) report the crime promptly to law enforcement, and cooperate with police and prosecutors (many states allow exceptions to this requirement, particularly for child victims); (b) submit a timely victim compensation application (some states provide exceptions); (c) have a cost or loss not covered by insurance or another government benefit program; and (d) not have committed a criminal act or some substantially wrongful act that caused or contributed to the crime (domestic violence, sexual assault and human trafficking victims are not considered to have contributed to the crime). Apprehension or conviction of the offender is not required. Only one state places immigrant restrictions on access to VOCA victim assistance (Alabama), however trafficking victims with ORR certification or eligibility letters or T visas should be able to receive VOCA victim assistance to the same extent as refugees. For contact information for local crime victim service providers, see *Post-assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence – Medical Coverage and Services for Immigrants*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sept. 13, 2017), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation>. See also *Directory of Crime Victim Services*, OFFICE OF VIOLENCE AGAINST WOMEN, <http://ovc.ncjrs.gov/findvictimservices/search.asp> (last visited Mar. 22, 2013).

⁴⁷ Crime Victim's Right are established by the Crime Victim Rights Act 18 U.S.C. § 377 U.S. Includes help from state and local crime victim services delivered by victim witness staff who work for federal and state prosecutors, law enforcement agencies, other government agencies, and non-profit organizations. See *Directory of Victim Services*, OFFICE FOR VICTIMS OF CRIME, <https://ovc.ojp.gov/directory-crime-victim-services>; OFFICE FOR VICTIMS OF CRIME, WHAT YOU CAN DO IF YOU ARE A CRIME VICTIM, <https://niwaplibrary.wcl.american.edu/pubs/crime-victim-brochure-ovc>; *Crime Victim Rights Ombudsman*, DEP'T. OF JUSTICE, OFFICES OF THE UNITED STATES ATTORNEY, <https://www.justice.gov/usao/resources/crime-victims-rights-ombudsman> (Discussing crime victims' rights in federal prosecutions).

⁴⁸ See Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, at 3616 (Jan. 16, 2001), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-protectionlifeorsafetyag-1-16-01>.

⁴⁹ See *Wage and Hour Division*, U.S. DEP'T. OF LABOR, <https://www.dol.gov/agencies/whd/workers> (last visited Dec. 31, 2021). See also, Legal Aid at Work, Employment Rights of Undocumented Workers 2 (2021) (See question 4). <https://legalaidthatwork.org/factsheet/undocumented-workers-employment-rights/>; U.S. DOL, U and T Visa Certifications, <https://www.dol.gov/agencies/whd/immigration/u-t-visa>.

⁵⁰ See also, LEGAL AID AT WORK, EMPLOYMENT RIGHTS OF UNDOCUMENTED WORKERS 2 (2021), available at <https://legalaidthatwork.org/factsheet/undocumented-workers-employment-rights/> (see questions 5 and 6).

⁵¹ Id at 5. (Question 11); U.S. EQUAL EMP'T OPPORTUNITY COMM'N, EMPLOYMENT RIGHTS OF IMMIGRANTS UNDER FEDERAL-ANTI DISCRIMINATION LAWS (2017), available at <https://www.eeoc.gov/laws/guidance/employment-rights-immigrants-under-federal-anti-discrimination-laws-brochure>; U.S. EQUAL EMP'T OPPORTUNITY COMM'N, *Fact Sheet Sexual Harassment* (Dec. 14, 2009), available at <https://niwaplibrary.wcl.american.edu/pubs/useeocfactsheetonsexualharassment>; *EEOC Procedures: Requesting EEOC Certification For U Nonimmigrant Classification (U Visa) Petitions In EEOC Cases*, U.S. EQUAL EMP'T OPPORTUNITY COMM'N, <https://www.eeoc.gov/eeoc-procedures-requesting-eeoc-certification-u-nonimmigrant-classification-u-visa-petitions-eeoc> (last visited Dec. 31, 2021).

⁵² 5 C.F.R. § 1626.4. For further guidance, see 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* (Jan. 31, 2015), available at <https://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all>.

⁵³ See *Individual Taxpayer Identification Number*, INTERNAL REVENUE SERV., <https://www.irs.gov/individuals/individual-taxpayer-identification-number>.

⁵⁴ See *Coverage for lawfully present immigrants*, HEALTHCARE.GOV, <https://www.healthcare.gov/immigrants/lawfully-present-immigrants/> (last visited Dec. 31, 2021) (Lawfully present immigrants who are able to purchase health insurance on the health care exchange include: Lawful Permanent Residents (Green Card Holders); Asylees; Refugees; persons with valid visas who have not violated the terms of their visas; Cuban/Haitian entrants; Paroled into the U.S. for at least one year; Conditional entrant granted before 1980; Battered VAWA non-citizens, spouses, children, or parents; eligible immigrants who have filed applications for lawful permanent residency; Victims of trafficking and their spouse, child, sibling, or parent or individuals with a pending application for a victim of trafficking visa; immigrants with a pending application for cancellation or removal or suspension of deportation; Granted withholding of deportation; Member of a federally recognized Indian tribe or American Indian born in Canada; Citizens of the Marshall Islands, Micronesia, and Palau who are living in one of the U.S. states or territories (referred to as Compact of Free Association or COFA migrants); Temporary Protected Status; Special Immigrant Juvenile Status; asylum applicants; Convention Against Torture; victims of trafficking; Legal status conferred by other laws (temporary resident status, LIFE Act, Family Unity individuals). See also *Immigration status and the Marketplace*, HEALTHCARE.GOV, <https://www.healthcare.gov/immigrants/immigration-status/> (last visited Dec. 31, 2021).

⁵⁵ Leslye E. Orloff, *State Funded Public Benefits Comparison Chart 1-2* (Dec. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

⁵⁶ Leslye E. Orloff, *State Funded Public Benefits Comparison Chart 1-2* (Dec. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

⁵⁷ See HHS Guidance at 41,658.

⁵⁸ For a state by state analysis of state funded access to health care for immigrant crime victims, see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>;

⁵⁹ For a state by state analysis of state funded access to health care for immigrant crime victims, see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>;

⁶⁰ See *Health coverage for immigrants*, HEALTHCARE.GOV, <https://www.healthcare.gov/immigrants/>. (To be eligible for health care coverage through the Health Insurance Marketplace a person must be a U.S. citizen, a U.S. national, or a lawfully present immigrant. Undocumented immigrants are not eligible to buy health insurance on Marketplace plans and they are not eligible for premium tax credits.); See also *Coverage for lawfully present immigrants*, HEALTHCARE.GOV, <https://www.healthcare.gov/immigrants/lawfully-present-immigrants/>.

⁶¹ See LESLYE ORLOFF, AMANDA BARAN, AND PHOEBE MOUNTS, *Access to Health Care for Immigrant Victims of Sexual Assault*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (2013), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-accesshealthcare>. (Discussing access to health care and health insurance exchange for lawfully present immigrant victims of domestic violence, child abuse, sexual assault, stalking, human trafficking and other crimes).

⁶² See Leslye E. Orloff, *Annotated Statutes Related to Public Benefits Eligibility for Immigrant Survivors of Domestic Violence, Child Abuse, and Human Trafficking* (Oct. 31, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/annotated-qualified-immigrant-statutes-survivors>.

⁶³ SIJS children and U visa victims will need to wait until they are lawful permanent residents to be qualified immigrants.

⁶⁴ Includes many Afghan immigrants and included many Cuban immigrants historically.

⁶⁵ 8 U.S.C. §§ 1612(a)(2)(A)(i). For more information on SNAP eligibility, see *Supplemental Nutrition Assistance Program*, U.S. DEP'T OF AGRIC. (JAN. 30, 2013), <https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program> (last visited Oct. 18, 2021).

⁶⁶ See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter And Rental Housing Assistance Are Available To Immigrant Survivors During COVID-19?* 2-3 (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ See generally NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

⁷⁰ Id.

⁷¹ See *Many non-U.S. citizens qualify for federal student aid*, U.S. DEPARTMENT OF EDUCATION, FEDERAL STUDENT AID, <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens> (last visited Dec. 31, 2021) (Discussing VAWA self-petitioner and trafficking victim eligibility).

⁷² HHS Guidance at 41,658.

⁷³ HHS Guidance at 41,658.

⁷⁴ HHS Guidance at 41,658.

⁷⁵ HHS Guidance at 41,658.

⁷⁶ HHS Guidance at 41,658.

⁷⁷ HHS Guidance at 41,658.

⁷⁸ HHS Guidance at 41,658.

⁷⁹ HHS Guidance at 41,658.

⁸⁰ HHS Guidance at 41,658.

⁸¹ HHS Guidance at 41,658.

⁸² HHS Guidance at 41,658.

⁸³ HHS Guidance at 41,658.

⁸⁴ See *Summary of Immigrant Eligibility Restrictions Under Current Law*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. (Feb. 25, 2009), <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml> (last visited Oct. 25, 2021). See *LIHEAP Eligibility Criteria*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (May 8, 2012), <http://www.acf.hhs.gov/programs/ocs/resource/liheap-eligibility-criteria> (last visited Oct. 25, 2021). For more details and information about how to apply for LIHEAP, see *Low Income Home Energy Assistance Program (LIHEAP)*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <http://www.acf.hhs.gov/programs/ocs/programs/liheap> (last visited Oct. 25, 2021).

⁸⁵ Eligibility for assistance is based on authorized employment. Many immigrant survivors will have been granted work authorization at the following times: T visa holders; T visa applicants with bona fide determinations; continued presence recipients; VAWA self-petitioners with approved VAWA self-petitions and deferred action; VAWA self-petitioners with pending applications for lawful permanent residency; U visa applicants with deferred action based on bona fide determination or wait-list approval; U visa holders; and applicants for lawful permanent residency including children with approved SIJS applications. Immigrant applicant must be lawfully residing. For the definition of “lawfully residing,” see CENTERS FOR MEDICARE AND MEDICAID SERVICES, *Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women* (Jul. 1, 2010), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-HHSLawfullyResidingMedicaid-07.01.10-also-in-Qualified-Immigrants.pdf>.

⁸⁶ Must be a lawful permanent resident who has resided continuously in the U.S. for at least 5 years. See Georgia Burke and Natalie Kean, *Immigrants and Medicare*, JUSTICE IN AGING (Apr. 2019), https://www.justiceinaging.org/wp-content/uploads/2019/04/FINAL_Older-Immigrants-and-Medicare.pdf.

⁸⁷ See 8 U.S.C. §§ 1612(b)(2)(A); § 1613. Most qualified immigrants will be subject to the 5-year bar. T visa and continued presence trafficking victims, asylees, and refugees exempt. See 8 U.S.C. § 1612(b)(2)(B).

⁸⁸ For a state by state analysis of state funded access to health care for immigrant crime victims, see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

⁸⁹ HHS Guidance at 41,658.

⁹⁰ See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (Jul. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

⁹¹ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (2016), <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

⁹² See generally, *Find Treatment*, SAMHSA, <https://www.samhsa.gov/find-treatment> (last visited Oct. 25, 2021). To find a substance abuse and/or mental health treatment program, see *Substance Abuse Treatment Facility Locator*, SAMHSA, <https://findtreatment.gov/> (last visited Mar. 22, 2013). Mental Health Resources: To find a mental health treatment program near you, see *Behavioral Health Treatment Facility Locator*, SAMHSA, <https://findtreatment.samhsa.gov/> (last visited Dec. 31, 2021); National Suicide Prevention Lifeline: call 1-800-273-TALK (8255). See also NAT'L SUICIDE PREVENTION LIFELINE, <http://www.suicidepreventionlifeline.org/> (last visited Mar. 22, 2013).

⁹³ For the definition of “lawfully residing,” see CENTERS FOR MEDICARE AND MEDICAID SERVICES, *Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women* (Jul. 1, 2010), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-HHSLawfullyResidingMedicaid-07.01.10-also-in-Qualified-Immigrants.pdf>. See also “*Lawfully Residing*” Children and Pregnant Women Eligible for Medicaid and CHIP, NAT'L IMMIGRATION LAW CTR. (Oct. 2021), available at <https://www.nilc.org/issues/health-care/lawfully-residing-medicicaid-chip/> (last visited Oct. 25, 2021). When minor victims turn 21, their health care eligibility moves from SCHIP to Medicaid. Child trafficking victims may have greater access to health care. See Jordan Tacher, Abigail Whitmore, and Leslye E. Orloff, *Trafficking Victim Immigration and Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Dec. 31, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/t-visa-benefits-eligibility>.

⁹⁴ For a state by state analysis of state funded access to child health care for immigrant crime victims, see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>;

⁹⁵ For an analysis of federally funded access to access to TANF, see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>;

⁹⁶ For a state by state analysis of state funded access to access to TANF, see Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart* (Jul. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>; Benish Anver and Leslye Orloff, *Eligibility for State Funded TANF Replacement Programs for Immigrant Crime Victims*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Dec. 15, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-tanf>; Table 8, *State-Funded TANF Replacement Programs*, NAT'L IMMIGRATION LAW CENTER (Apr. 2020), available at https://www.nilc.org/issues/economic-support/guide_tanf/.

⁹⁷ For a state by state analysis of state funded access to TANF funded child care see Banish Anver and Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare>.

⁹⁸ See NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters*, GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), “qualified” immigrants must have employment authorization). See 8 U.S.C. §§ 1641(b)(1) and (c).

⁹⁹ For a listing of all Public and Assisted Housing programs through HUD, see *HUD Programs and Immigrant Eligibility*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Man-Ch16.2-HUDProgramsImmEligibility-7.10.13.pdf> (last visited Dec. 31, 2021). The first section of the appendix lists programs that are only available to “qualified immigrants.” The second section lists the remaining programs that are available to all immigrants regardless of their status.

¹⁰⁰ See generally NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter And Rental Housing Assistance Are Available To Immigrant Survivors During COVID-19?* 2-3 (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

¹⁰¹ Id.

¹⁰² Id.

¹⁰³ Id.

¹⁰⁴ Id.

¹⁰⁵ Id.

¹⁰⁶ Id.

¹⁰⁷ Id.

¹⁰⁸ All vary by state and are available to qualified immigrants with work authorization.

¹⁰⁹ Eligibility for assistance is based on authorized employment. Many immigrant survivors will have been granted work authorization at the following times: T visa holders; T visa applicants with bona fide determinations; continued presence recipients; VAWA self-petitioners with approved VAWA self-petitions and deferred action; VAWA self-petitioners with pending applications for lawful permanent residency; U visa applicants with deferred action based on bona fide determination or wait-list approval; U visa holders; and applicants for lawful permanent residency including children with approved SIJS applications.

¹¹⁰ For more information and to find a job resource center, see *Service Locator*, Career One-Stop, <http://www.servicelocator.org/> (last visited Dec. 31, 2021).

¹¹¹ For employment opportunities, visit Job Corps, <https://www.jobcorps.gov/> (last visited Dec. 31, 2021).

¹¹² For persons who are blind, disabled, or over 5 years of age with limited income and resources. Immigrants who entered before August 22, 1996, are eligible for Supplemental Security Income (SSI) only if they were qualified immigrants lawfully residing in the United States and were receiving SSI on August 22, 1996. See *Supplemental Security Income (SSI) For Noncitizens*, U.S. SOCIAL SECURITY ADMIN., <https://www.ssa.gov/pubs/EN-05-11051.pdf> (last visited Nov. 12, 2021). For detailed information on the limited eligibility for SSI by state immigrant survivors see *All State Public Benefits Charts and Map (2021)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

¹¹³ See generally *Fact Sheet: Victim Assistance*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT (AUG. 7, 2012), available at <https://www.acf.hhs.gov/orr/fact-sheet/fact-sheet-victim-assistance-english> (last visited Oct. 18, 2021).

¹¹⁴ HHS Guidance at 41.658.

¹¹⁵ Helps victims ineligible for TANF or SSI. Requires registration and participation in employment and employability services, unless specifically exempted by the state. Minors cannot receive the benefit if they cannot comply with employability requirements. The Refugee Cash program reimburses states for the cost of cash assistance provided to victims of a severe form of trafficking during the first eight months after receipt of ORR certification or eligibility letters. For more information, see *Refugee Medical Assistance*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/cma/about> (last visited Nov. 19, 2021).

¹¹⁶ The Refugee Medical Assistance (RMA) program provides short-term medical assistance to newly-arriving refugees and other populations who are eligible for ORR benefits. Refugee Medical Assistance is an important part of the larger Cash and Medical Assistance (CMA) program.

¹¹⁷ Refugee Support Services funding helps refugees and other ORR populations gain economic independence by helping them find and maintain employment, preferably within a year of being enrolled in the program. See *Refugee Support Services*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-support-services> (last visited Dec. 31, 2021).

¹¹⁸ The Preferred Communities (PC) program supports refugee and ORR-eligible populations with challenging needs that require special attention, including those with serious medical conditions, women at risk, and elderly refugees. See *Preferred Communities*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/rph> (last visited Dec. 31, 2021).

¹¹⁹ The Refugee Health Promotion (RHP) grant program supports refugee health literacy and access to health and emotional wellness services. See *Refugee Health Promotion*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/preventive-health> (last visited Dec. 31, 2021).

¹²⁰ The services offered include but are not limited to supportive, employability services, and help addressing barriers to employment. See *About Refugee Social Services*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <http://www.acf.hhs.gov/programs/orr/programs/refugee-social-services/about> (last visited Nov. 19, 2021).

¹²¹ The Microenterprise Development (MED) program helps ORR-served populations gain financial independence by providing loans and training to help them start, sustain, or expand a small business to support themselves and their families. See *Microenterprise Development*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/microenterprise-development> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

¹²² The Refugee Family Child Care Microenterprise Development (RFCCMED) program helps recently arrived refugees and other ORR eligible populations start and run family child care businesses in their homes to earn income that allows them to live independently. See *Refugee Family Child Care Microenterprise Development*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-family-child-care> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

¹²³ The Individual Development Accounts (IDA) Program helps refugees and other ORR-eligible populations save toward an asset that will help increase financial independence. The program helps refugees understand what assets are, how the U.S. financial system works, and how to manage their money. See *Individual Development Accounts*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/ida> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

¹²⁴ See *Voluntary Agencies Matching Grant Program FY 2014 Program Guidelines*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (2014), available at https://www.acf.hhs.gov/sites/default/files/documents/orr/fy_2014_matching_grant_mg_program_guidelines_for_grantees.pdf (last visited Oct. 25, 2021). The Matching Grant program helps refugees and other ORR-eligible populations overcome barriers and quickly find jobs. The intent is for refugees to become financially independent in four to six months after arriving in the U.S. without accessing cash assistance programs. <https://www.acf.hhs.gov/orr/programs/refugees/matching-grants>.

¹²⁵ The Refugee Career Pathways program helps enable refugees to achieve self-sufficiency by obtaining the necessary credentials, education, experience, and job skills to secure employment in professional and/or skilled career fields. See *Refugee Career Pathways*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-career-pathways> (last visited Dec. 31, 2021).

¹²⁶ The Wilson-Fish (WF) Temporary Assistance for Needy Families (TANF) Coordination Program (WF TCP) funds innovative approaches to provide more customized, culturally, and linguistically appropriate integrated services and resources for ORR-eligible families with children under the age of 18. The goal of WF TCP is to strengthen these families' abilities to navigate barriers, become economically self-sufficient, and improve their social and economic wellbeing. See *Wilson-Fish TANF Coordination Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/wilson-fish-tanf-coordination-program> (last visited Dec. 31, 2021) (Open to ORR eligible families with children under the age of 18. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

¹²⁷ The Refugee Agricultural Partnership Project (RAPP) helps ORR-served populations lead rural farming and urban community gardening projects. RAPP works with the U.S. Department of Agriculture to provide the fresh produce to farmers markets and earn the participants a supplemental income. See *Refugee Agricultural Partnership Project*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-agricultural-partnership-project> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

¹²⁸ The Ethnic Community Self-Help (ECSH) program supports ethnic community-based organizations in helping refugees adjust to life in America and integrate into the community. These organizations are particularly skilled in identifying and responding to the diverse needs of refugees, and deciding what activities to plan that will best benefit the communities they serve. See *Ethnic Community Self-Help*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/ethnic-community-self-help> (last visited Dec. 31, 2021). Eligible immigrant statuses are: Refugees, Asylees, Cuban/Haitian entrants, Special Immigrant Visa (SIV) holders, Amerasians, Victims of Trafficking, and Survivors of Torture.

¹²⁹ The Services to Older Refugees Program funds states and state-alternative programs to ensure that refugees age 60 and older have access to applicable services for the aging and to provide qualifying refugees with appropriate services not currently available in the community. See *Services to Older Refugees*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/services-older-refugees> (last visited Dec. 31, 2021).

¹³⁰ The Refugee School Impact (RSI) program provides grants to state and state-alternative programs to support school districts impacted by school-aged refugees and ORR eligible populations. Program services focus on new arrivals and those who have been in the U.S. five years or less and continue to face integration and academic challenges. Both youth and their families may receive services from the Refugee School Impact program. See *Refugee School Impact Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/school-impact> (last visited Dec. 31, 2021).

¹³¹ The Youth Mentoring (YM) program funds grantees to match eligible youth ages 15-24 with mentors, who will support their successful integration and help them thrive. Grantees will also provide case management to support individual educational and career development goals. See *Youth Mentoring*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/youth-mentoring> (last visited Dec. 31, 2021); U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, Policy Letter 16-01: Documentation Requirements for the Refugee Resettlement Program (Oct. 1, 2015), available at <https://www.acf.hhs.gov/orr/policy-guidance/documentation-requirements-refugee-resettlement-program> (last visited Dec. 31, 2021). Eligible immigrants are: Refugees, Asylees, Cuban/Haitian entrants, Special Immigrant Visa (SIV) holders, Amerasians, Victims of Trafficking, Unaccompanied Minors with Special Immigrant Juvenile Status (SIJS), and Unaccompanied Minors who have U visas.

¹³² The Unaccompanied Refugee Minors Program (URM) helps unaccompanied refugee minors develop appropriate skills to enter adulthood and to achieve social self-sufficiency. See *Unaccompanied Refugee Minors Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/urm> (last visited Dec. 31, 2021). Eligible immigrants include: Asylee, Cuban or Haitian entrant, Certain Minors with Special Immigrant Juvenile Status, Victims of Human Trafficking, U-Status recipients, Paroled Unaccompanied Afghan Minors.

¹³³ For the most current information on immigrant access to public benefits see *Table - Medical Assistance Programs for Immigrants in Various States*, NAT'L IMMIGRATION LAW CENTER (Jul. 2021), <https://www.nilc.org/issues/health-care/medical-assistance-various-states/>; *Table 8 State-Funded TANF Replacement Programs*, NAT'L IMMIGRATION LAW CENTER (Apr. 2020), https://www.nilc.org/issues/economic-support/guide_tanf/; *Table 12 State-Funded Food Assistance Programs*, NAT'L IMMIGRATION LAW CENTER (Apr. 2020), https://www.nilc.org/issues/economic-support/state_food/.

¹³⁴ See *Table - Medical Assistance Programs for Immigrants in Various States*, NAT'L IMMIGRATION LAW CENTER (Jul. 2021), <https://www.nilc.org/issues/health-care/medical-assistance-various-states/>

¹³⁵ See *Table 8 State-Funded TANF Replacement Programs*, NAT'L IMMIGRATION LAW CENTER (Apr. 2020), https://www.nilc.org/issues/economic-support/guide_tanf/

¹³⁶ See *Table 12 State-Funded Food Assistance Programs*, NAT'L IMMIGRATION LAW CENTER (Apr. 2020), https://www.nilc.org/issues/economic-support/state_food/.

¹³⁷ See *Table 1 Overview of Immigrant Eligibility for Federal Programs*, NAT'L IMMIGRATION LAW CENTER (Oct. 2021), https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf.