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

By: Daniel Enos and Leslye E. Orloff

May 15, 2019 (Updated April 16, 2024)

<table>
<thead>
<tr>
<th>Qualified Immigrant</th>
<th>HHS Certification</th>
<th>Lawfully Present</th>
<th>Limited Benefits Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>TANF (Cash Assistance)</td>
<td>VAWA: Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with 40 quarters of work.</td>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry.</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Refugees, Asylees, T Visas, Afghans, Ukrainians</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</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
</tr>
<tr>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Not eligible.</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
<td>No federal eligibility.</td>
</tr>
<tr>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>U Visa, bona fide, or wait list approval.</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
<td>Eligible after receiving lawful permanent residency in Indiana only if entered the U.S. before Aug. 22, 1996 and credited with</td>
<td>Not eligible.</td>
</tr>
</tbody>
</table>

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

The chart shows eligibility based on immigration status. Applicants must also meet all other program eligibility requirements, such as income/resource limits. Children and other family members included in an individual’s immigration application receive the same access to public benefits as the applicant. When children qualify for federal or state public benefits, immigrant parents can file child-only benefits applications on their children’s behalf. Congress exempted from the public charge ground of inadmissibility immigrant victims applying for immigration relief and lawful permanent residency through the following immigration benefits programs: VAWA self-petitioning (as defined in footnote “d”), VAWA cancellation of removal, VAWA suspension of deportation, T visas, and U 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 Dean’s Fellows Alexandra Brown and Sandeep Purewal for their work in developing these state public benefits charts.

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.

8 See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs)); for up-to-date details on LPR benefits eligibility see National Immigrant Law Center, Table 1, Overview of Immigrant Eligibility for Federal Programs (March 2023) https://www.nilc.org/issues/economic-support/table_overview_fedprogs and NIWAP’s Public Benefits Map https://niwaplibrary.wcl.american.edu/benefits-map; refugees, asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parollee; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see OFFICE OF THE CHIEF IMMIGRATION JUDGE, U.S. DEP’T OF JUSTICE, OPERATING POLICY AND PROCEDURE MEMORANDUM 97-9; MOTIONS FOR “PRIMA FACIE” DETERMINATION AND VERIFICATION REQUESTS FOR BATTERED SPOUSES AND CHILDREN, http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/ (last visited Mar. 2, 2018).

© 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.
<table>
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<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugees, Asylees, T Visas, Afghans, Ukrainians</th>
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<th>U Visa, bona fide, or wait list approval.9</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
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<tbody>
<tr>
<td><strong>TANF</strong></td>
<td>Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming).</td>
<td>Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.</td>
<td>determination (under 18).</td>
<td>40 quarters of work.</td>
<td>with 40 quarters of work.</td>
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<td>Naturalized citizens: Eligible without restrictions.</td>
<td>At the state’s discretion, T visa holders or applicants eligible as qualified immigrants with prima facie (bona fide) determination, subject to five-year bar for those who entered on or after August 22, 1996.</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.</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>Eligible for CCDF-funded child care open to all immigrants when: (1) Childcare 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</td>
<td>Eligible for CCDF-funded child care open to all immigrants when: (1) Childcare 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</td>
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<tr>
<td><strong>Child Care</strong></td>
<td>Children with prima facie determination and child lawful permanent residents 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>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</td>
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<td>Eligibility for TANF and thus TANF-funded childcare limited to VAWA self-petitioners who entered before Aug. 22, 1996, are lawful permanent residents, and who are</td>
<td>T visa: Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.</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</td>
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<td>T Visa(^5) / Continued Presence(^6)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^7)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^8)</td>
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<td>Naturalized citizens: Eligible without restrictions.(^32)</td>
<td><strong>prima facie (bona fide) determination are eligible</strong> for CCDF-funded child care.(^35) They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.(^36)</td>
<td>Certification or eligibility determination.(^38)</td>
<td><strong>after school or during school holidays;</strong> (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. (^39)</td>
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<td><strong>Start performance standards; or</strong> (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. (^40)</td>
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<tr>
<td><strong>SNAP (Food Stamps)(^48)</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly (if lawfully residing in the U.S. on 8/22/96), disabled, or if Lawful Permanent Resident with 40 quarters of work credit.(^49)</td>
<td><strong>Refugee/Asylee: Eligible with no additional conditions.</strong> (^51)</td>
<td><strong>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).</strong></td>
<td></td>
<td><strong>Not eligible.</strong></td>
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<td>Naturalized citizens: Eligible without restrictions.(^50)</td>
<td><strong>T visa: Eligible with prima facie (bona fide) determination on a T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled).</strong></td>
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<td><strong>Family members with T visa status eligible without HHS certification or eligibility determination.</strong></td>
<td></td>
<td><strong>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, 5 years residency, 40 qualifying work quarters, or disabled.</strong></td>
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<td><strong>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, 5 years residency, 40 qualifying work quarters, or disabled.</strong></td>
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<td><strong>Not eligible.</strong></td>
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<tr>
<td>SNAP</td>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</td>
<td>WIC</td>
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<tr>
<td><strong>Deferred Action for Childhood Arrivals (DACA)</strong></td>
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</tbody>
</table>

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. 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. 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).

*In Indiana, applicants may apply for WIC at any of the offices across the state.*

The income eligibility requirement for a household size of two is to have an annual income up to $30,451, before deductions.

| Purchase Health Insurance on Exchanges | Eligible with VAWA prima facie determination, as a lawful permanent resident or naturalized citizen. | **Refugee:** Eligible. **Asylee:** Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days. **T visa:** Eligible with prima facie (bona fide) determination on T visa application. | 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). Family members with T visa status eligible without HHS certification or eligibility determination. These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry. | Not eligible. | Eligible upon filing SIJS application. | Eligible upon U visa, bona fide determination, or wait list approval. | Not eligible. | Not eligible. |

For SNAP, no additional conditions.

For WIC, 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. 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. 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).

*In Indiana, applicants may apply for WIC at any of the offices across the state.* The income eligibility requirement for a household size of two is to have an annual income up to $30,451, before deductions.
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<th>Child Health Insurance Program (CHIP)</th>
<th>Eligible with VAWA prima facie determination or lawful permanent resident if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.</th>
<th>Naturalized citizens eligible.</th>
<th>Eligible for emergency Medicaid regardless of immigration or citizenship status.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee/Asylee</td>
<td>Eligible, exempt from five-year bar.</td>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>In Indiana, children under the age of 21 and pregnant people are eligible for full health care and postpartum care for a 12 months beginning the last day of pregnancy.</td>
</tr>
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<td>T Visa</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).</td>
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<td>Deferred Action for Childhood Arrivals (DACA)</td>
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<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.</td>
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<td>Special Immigrant Juvenile Status (SIJS)</td>
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<td>U Visa, bona fide, or wait list approval.</td>
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<td>Undocumented</td>
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In Indiana, children under the age of 21 and pregnant people are eligible for full health care and postpartum care for a 12 months beginning the last day of pregnancy.
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<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tbody>
<tr>
<td><strong>Full-Scope Medicaid</strong>124</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, 1996.125</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.126</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).127</td>
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<td>Eligible for emergency Medicaid regardless of immigration or citizenship status.132</td>
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<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.137</td>
<td>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar.138</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.139</td>
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<td>Eligible for emergency Medicaid regardless of immigration status.140</td>
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<tr>
<td><strong>Victims of Crime Act (VOCA)</strong></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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Victims of Crime Act (VOCA)
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<th>Family Medical Leave Act – State Law</th>
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<th>Deferred Action for Childhood Arrivals (DACA)⁷</th>
<th>Special Immigrant Juvenile Status (SIJS)⁸</th>
<th>U Visa, bona fide, or wait list approval.⁹</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td>Indiana has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.¹⁶⁰</td>
<td>VAWAs with prima facie determination and all lawful permanent residents, eligible.¹⁶² Naturalized citizens, eligible.¹⁶³</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: 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>
<td>Not eligible for federal student aid.</td>
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<tr>
<td>Education-Federal Benefits: Federal Student Aid, Grants &amp; Loans¹⁶¹ FAFSA</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 citizenship or immigration status.¹⁷⁰ Although eligible to apply for and enroll in state funded colleges and universities without regard to immigration status,¹⁷¹ students who are not qualified immigrants are not eligible in Indiana for state funded post-secondary educational grants and loans.¹⁷² At its public postsecondary institutions, Indiana does not allow in-state tuition rates or access to institutional aid or scholarships for immigrant students who are not qualified.¹⁷³ Qualified immigrants include: refugees, asylees, T visa holders, T visa applicants with bona fide determinations, VAWA self-petitioners, and lawful permanent residents.</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.¹⁷⁵ May also be eligible with a prima facie determination if currently receiving SSI</td>
<td>Refugees/Asylees: Eligible during first seven years after the status was granted.¹⁸⁰ Trafficking victims: Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.¹⁸¹</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</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work¹⁸⁷ subject to five-year bar for those who arrived on or after August 22, 1996.¹⁸⁸</td>
<td>Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work¹⁸⁹ subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996;</td>
<td>Not eligible.¹⁹²</td>
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<td>Education-State Law</td>
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<td>Supplemental Security Income (SSI)¹⁷⁴</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
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<td>based on an application filed before 1979.</td>
<td>T visa. Eligible as a qualified immigrant with prima facie (bona fide) determination on T visa application if receiving SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled. May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979. This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.</td>
<td>or if lawfully residing in U.S. as of that date and now disabled. Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979.191</td>
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<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>
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<td>Naturalized citizens, eligible.</td>
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**SSI**

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

In Indiana, only applicants with a lawful status can obtain a license. Indiana requires the following documentation:

- One document proving identity. Accepted documents:
  - foreign passport with a United States visa affixed and accompanied by an approved I-94 form; certificate of naturalization (form N-550 or form N-570); Permanent Resident Card (Form I-551); Employment Authorization Document (form I-766)
  - 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.
- One document proving lawful status in the United States. Accepted documents:
### Deferred VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens

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<th>Driver’s License</th>
<th>Housing, Health, and Other Services Necessary to Protect Life or Safety</th>
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<td>- driver’s license with a United States visa affixed and accompanied by an approved I-94 form; certificate of naturalization (form N-400); Permanent Resident Card (Form I-485); Employment Authorization Document (form I-765); Notice of Action (form I-797); Proof of application for asylum (form I-589)</td>
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<tr>
<td>- One document proving Social Security number</td>
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<tr>
<td>- Two documents proving Indiana residency</td>
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</table>

### Public and Assisted Housing

- Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility.  
  - USDA rental housing follows HUD procedures for processing VAWA self-petitions, so should be eligible for all USDA rental housing unless and until a final determination of ineligibility.  
  - Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance) and Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer.  
  - Upon receiving lawful permanent residency, may be eligible for Low Income Housing Assistance Program (LIHAP) and USDA Section 515 Rural Rental Housing (without Rental Assistance).  

- 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), and family members with T visa status (no need for HHS certification or eligibility determination), are eligible for:  
  - HUD public and assisted housing,  
  - USDA Section 515 Rural Rental Housing,  
  - USDA Section 521 Rural Rental Assistance,  
  - USDA Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer.  
  - Upon receiving lawful permanent residency, may be eligible for Low Income Housing Assistance Program (LIHAP) and USDA Section 515 Rural Rental Housing (without Rental Assistance).  

- Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance) if immediate family member of eligible domestic farm laborer.  
  - Upon receiving lawful permanent residency, eligible for HUD if immediate family member of eligible domestic farm laborer.  
  - Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance) if immediate family member of eligible domestic farm laborer.  

- In Indiana, may be eligible for Low Income Housing Tax Credit property.

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**Note:**  
- The information provided is a summary of available services and eligibility criteria for various immigration statuses.  
- For detailed information, refer to the sources listed at the bottom of the table.  
- The table includes a reference to the Emergency Solutions Grant (ESG) and other programs that provide services necessary to protect life or safety.  
- The table also highlights the eligibility criteria for various housing programs, including VAWA self-petitioners, refugees, asylees, T visa holders, and special immigrant visa holders.  
- The information is derived from sources such as the American University, Washington College of Law.  

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**Sources:**  
- American University, Washington College of Law
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<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugees, Asylees, T Visas, Afghans, Ukrainians</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>
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</table>
| Assistance),\(^{214}\) and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.\(^{215}\) Upon filing VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.\(^{216}\) Lawful permanent residents are eligible for public and assisted housing\(^{217}\) and for USDA Section 514/516 Farm Lab or Housing;\(^{218}\) USDA Section 521 Rural Rental Assistance.\(^{219}\) Naturalized citizens are eligible for public and assisted housing\(^{220}\) and for USDA Section 514/516 Farm Lab or Housing;\(^{221}\) USDA Section 521 Rural Rental Assistance.\(^{222}\) *In Indiana, may be eligible for Low Income Housing Tax Credit property.*\(^{249}\) | USDA Section 514/516 Farm Labor Housing.\(^{229}\) *

*In Indiana, may be eligible for Low Income Housing Tax Credit property.*\(^{230}\) | *In Indiana, may be eligible for Low Income Housing Tax Credit property.*\(^{243}\) | Income Housing Tax Credit property.\(^{243}\) In Indiana, may be eligible for Low Income Housing Tax Credit property.\(^{249}\) | | | |

**Public and Assisted Housing**\(^{210}\) and **Low-Income Housing Tax Credit (LIHTC) Housing**\(^{211}\)
VAWA Self-Petitioners, Battered Spouse Waivers,1 Lawful Permanent Residents, and Naturalized Citizens

Refugees, Asylees, T Visas,2 Afghans,3 Ukrainians4

T Visa5/ Continued Presence6

Deferred Action for Childhood Arrivals (DACA)7

Special Immigrant Juvenile Status (SIJS)8

U Visa, bona fide, or wait list approval.9

U Visa Applicants

Undocumented

LIHTC

Housing Tax Credit property.223

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 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 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

The child or dependent must have a social security number or ITIN.268 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.261

Earned Income Tax Credit (EITC)

VAWA self-petitioners, lawful permanent residents, and naturalized citizens who262 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,263 have a social security number valid for work,264 and have earned income during the tax year265 are eligible for the earned income tax credit (EITC).266

Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year,267 have a social security number valid for work,268 and have earned income during the tax year269 are eligible for the earned income tax credit (EITC).270

Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year,271 have a social security number valid for work,272 and have earned income during the tax year273 are eligible for the earned income tax credit (EITC).274

DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year,275 have a social security number valid for work,276 and have earned income during the tax year277 are eligible for the earned income tax credit (EITC).282

SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year,279 have a social security number valid for work,280 and have earned income during the tax year281 are eligible for the earned income tax credit (EITC).282

Once granted lawful permanent residency or work authorization U visa holders and U visa applicants with deferred action (based on bona fide determinations or wait-list approval) who have lived in the U.S. for at least 183 days during the tax year,283 have a social security number valid for work,284 and have earned income during the tax year285 are eligible for the earned income tax credit (EITC).286

Not eligible. Not eligible.
<table>
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<tr>
<th>Legal Services</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugees, Asylees, T Visas, Afghans, Ukrainians</th>
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<th>U Visa Applicants</th>
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<td><strong>EITC</strong></td>
<td>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 agencies on matters related to the abuse. Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status or spouses, parents, and unmarried children under 21 of U.S. citizens become eligible for full representation on any matter upon filing an application for lawful permanent residency.</td>
<td>Refugee/Asylee: Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles. T visa: An immigrant who has been a victim of trafficking in the U.S. including a T visa holder is eligible for legal assistance on any matter the LSC-funded agency handles.  Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse. Must be at least 11 years old.</td>
<td>Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or sexual assault or trafficking in the U.S., on matters related to the abuse.</td>
<td>An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the crime victimization.</td>
<td>An immigrant who has (or whose child has) applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the crime victimization.</td>
<td>An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse.</td>
<td>An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse.</td>
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<td><strong>Legal Services</strong></td>
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<td>AmeriCan University, Washington College of Law</td>
<td>Services for VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
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<td>lawfulness permanent residency and naturalized citizens are eligible for full representation.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance as a victim of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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| Federal Emergency Management Agency (FEMA) Assistance | Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status or naturalized citizenship. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.368
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<td>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.369</td>
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<th>Federal Emergency Management Agency (FEMA)-Restricted Programs</th>
<th>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship:371; Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):372 Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996, and either receiving disability-related benefits or born before Aug. 22, 1931.373</th>
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<td>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to Refugees, Asylees, T visa applicants with prima facie (bona fide) determination.374 Emergency SNAP open to Refugees/Asylees (no five-year bar),375 and T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996, and either receiving disability-related benefits or born before Aug. 22, 1931.376</td>
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<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) or family members with T visa status (no need for HHS certification or eligibility determination).377 These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.378</td>
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<td>Not eligible.</td>
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<td>Upon receiving lawful permanent residency eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).379 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, 1931.380</td>
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<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).381 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</td>
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<th>U Visa Applicants</th>
<th>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).381 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</th>
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<td>U Visa, bona fide, or wait list approval.9</td>
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<td>Not eligible.385</td>
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| Undocumented | Not eligible.385 |

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<tr>
<th>FEMA-Restricted Programs</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugees, Asylees, T Visas, 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>
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<td>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.</td>
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<td>Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization</td>
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1 VAWA self-petitioner for public benefits purposes includes: VAWA self-petitioners, battered spouse waiver applicants, applicants for relief under VAWA Cuban Adjustment Act (“VAWA CAA”), VAWA Haitian Refugee Immigration and Fairness Act (“VAWA HRIFA”), VAWA Nicaraguan and Central American Relief Act (“VAWA NACARA”), VAWA cancellation of removal, VAWA suspension of deportation, and battered spouses and children with approved I-130 visa applications filed by their abusive citizen spouse, parent or step-parent. See 8 U.S.C. § 1641(c); 8 U.S.C. § 1101(a)(51). Battered Spouse Waiver (BSW) applicants/recipients have the same eligibility for public benefits purposes as VAWA self-petitioners. BWS victims are eligible either as conditional permanent residents if they still have that status and/or are or continue to be eligible once they file their battered spouse waiver application. Battered spouse waiver applicants have greater benefits access than conditional and lawful permanent residents because they have access to exemptions from deeming and have access to benefits that are only available to battered immigrants.  

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.).  


7 See DACA, NAT’L IMMIGR. L. 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 (SJS) 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 IMMIGR. L. CTR, Privacy Protections in Selected Federal Benefits Programs (Feb. 21, 2018) https://www.nilc.org/wp-content/uploads/2018/03/privacy-protections-fed-programs-fbi-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, Ammanda Baran, and Cecilia Olavarría, 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; also Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers In State Applications For Medicaid, State Children’s Health Insurance Program (Schip), Temporary Assistance For Needy Families (TANF), and Food Stamp Benefits, U.S. DEP’T HEALTH & HUM. SERV. (Mar. 24, 2006), https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhsresidencypolicyguidance-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 on either their conditional permanent residency or on their battered spouse petition 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 deceiving 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.

12 Forty “qualifying quarters” of work (credits) are calculated the same as for Social Security eligibility purposes—it includes work not covered by Social Security, work credited from parents before the immigrant turns 18 (including work before the immigrant was born/adopted), spouses (provided the immigrant remains married to the spouse or the spouse is deceased), but does not include work performed after 1996 while receiving federal means-tested benefits like TANF, SNAP, or Medicaid. A qualifying quarter is a three-month period of full or part-time work with sufficient income to qualify the earner for credit toward eligibility for Social Security benefits. The qualifying quarter amount is increased annually, and no more than 4 credit quarters can be earned in any 1 year. Noncitizen Eligibility for Federal Public Assistance: Policy Overview, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), https://fas.org/spp/crs/misc/RL33809.pdf. In 2018, $5,280 = 4 quarters of work credit. https://www.ssa.gov/oact/cola/QC.html.

13 8 U.S.C. § 1612(b) (authorizing states to make TANF eligibility determinations for immigrants); 470 Ind. Admin. Code 10.3-3-2 (stating that citizens and qualified immigrants may be eligible to receive TANF in Indiana provided they meet all other eligibility criteria.); NAT’L IMMIGR. L. CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 & n.5 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/ (listing Indiana-specific limitations on TANF eligibility for immigrants, which includes a requirement that a lawful permanent resident have 40 quarters of work credit to be eligible for TANF). Although battered immigrants are qualified immigrants under federal law and Indiana statute 470 Ind. Admin. Code 10.3-3-2, the Indiana policy manual fails to list battered immigrants as eligible for TANF in Indiana. Advocates working with battered immigrant VAWA self-petitioners will need to cite the federal and Indiana statutes to gain access to TANF for VAWA self-petitioners who entered the U.S. prior to August 22, 1996. See IN FAM. & SOC. SERVS. ADMIN., Program Policy Manual for TANF (Cash Assistance) and SNAP (Food Assistance) § 2402.20.00 (pp. 14-15) (battered immigrants category not listed as eligible for TANF), https://www.in.gov/fsa/files/2400.pdf.
16 Department of Health and Human Services, 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.)
17 8 U.S.C. §§ 1612(b)(2)(A)(i); 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 have already 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)(A)(i); 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 have already satisfied the five-year bar for eligibility as an LPR by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. See Nat’l Immigr. L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.
18 See 22 U.S.C. § 7105(b)(1); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ‘’T’’ Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ‘’T’’ Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/. TANF benefits for refugees are available without a five-year waiting period, but are limited to five years. However, if the refugee attains lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as a lawful permanent resident for TANF purposes. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. See Nat’l Immigr. L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.
Forty “qualifying quarters” of work (credits) are calculated the same as for Social Security eligibility purposes—it includes work not covered by Social Security, work credited from parents before the immigrant turns 18 (including work before the worker was born/adopted), spouses (provided the immigrant remains married to the spouse or the spouse is deceased), but it does not include work performed after 1996 while receiving federal means-tested benefits like TANF, SNAP, or Medicaid. A qualifying quarter is a three-month period of full or part-time work with sufficient income to qualify the earner for credit toward eligibility for Social Security benefits. The qualifying quarter income amount is increased annually; no more than 4 credit quarters can be earned in any year.


Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDELINES TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS & n.5 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1); see also IN FAM. & SOC. SERVS. ADMIN., Program Policy Manual for TANF (Cash Assistance) and SNAP (Food Assistance) § 2402.20.05 (pp. 15-17), https://www.in.gov/fssa/files/2400.pdf. Only SIJS children who entered prior to 1996 and who attained lawful permanent residency and have 40 hours of work credit will be eligible, which by definition excludes all SIJS children who were born after August 22, 1996.

Forty “qualifying quarters” of work (credits) are calculated as they would be for Social Security eligibility purposes—it includes work not covered by Social Security, work credited from parents before the immigrant turns 18 (including work before the immigrant was born/adopted), spouses (provided the immigrant remains married to the spouse or the spouse is deceased), but it does not include work performed after 1996 while receiving federal means-tested benefits like TANF, SNAP, or Medicaid. A qualifying quarter is a three-month period of full or part-time work with sufficient income to qualify the earner for credit toward eligibility for Social Security benefits. The qualifying quarter income amount is increased annually; no more than 4 credit quarters can be earned in any 1 year.


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


See 22 U.S.C. § 7105(b)(1). Eligible to the same extent as refugees. (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

See 22 U.S.C. § 7105(b) (1). Eligible to the same extent as refugees. (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).


55 See 22 U.S.C. § 7105(b). Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification). See 22 U.S.C. § 7105(b) (1). Eligible to the same extent as refugees. (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).


71 Indiana WIC Clinic Locations, IND. STATE DEP’T OF HEALTH, https://www.in.gov/isdh/20424.htm (last visited June 21, 2018). In accordance with federal law, citizenship is not an eligibility requirement to be processed. See 42 U.S.C.S. § 1786.


77 Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfully-residing-medicaid-07-01-10-also-in-qualified-immigrants/. See 8 U.S.C. § 1641(b)(3); 45 C.F.R. § 152.2(5) (2017) (“A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.”).


94 Ind. Code § 12-15-2.5(a)(1)(B) (Indiana will only provide postpartum care for the maximum time allowable under federal law not to exceed 12 months).

95 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigr. L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

96 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 Immigr. L. Ctr., Table 1: Table of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


98 Ind. Code § 12-15-2.5(a)(1)(B) (Indiana will only provide postpartum care for the maximum time allowable under federal law not to exceed 12 months).


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 Immigr. L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), 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.

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134 Ind. Code § 12-15-2.5(a)(1)(B) (Indiana will only provide postpartum care for the maximum time allowable under federal law not to exceed 12 months).


152 Ind. Code § 12-15-2.5(a)(1)(B)  (Indiana will only provide postpartum care for the maximum time allowable under federal law not to exceed 12 months).


158 Ind. Code § 12-15-2.5(a)(1)(B)  (Indiana will only provide postpartum care for the maximum time allowable under federal law not to exceed 12 months).


170 U.S. Immigration and Customs Enforcement, Memo: Undocumented Students Authorized to Enroll in Post-Secondary Educational Institutions (July 24, 2008) https://niwplibrary.wcl.american.edu/pubs/pb-gov-dhsundocstudentpost2deduaccess-7-24-08. This law applies to all states except those that have implemented state laws or policies that limit or deny enrollment in public colleges or universities which are Alabama, Georgia and South Carolina. (Current as of July 2021). See, NAT’L IMMIGR. L. CTR., Current State Laws and Policies on Access to Higher Education for Immigrants (July 2021) https://www.nilc.org/issues/education/eduaccesstoolkit2/images.  
172 Social Security Administration, Understanding Supplemental Security Income SSI Eligibility Requirements – 2017 Edition, https://www.ssa.gov/ssi/text-eligibility-ussi.htm. (While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.)  
177 See 8 U.S.C.§ 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.  
179 See 22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See 8 U.S.C. §§ 1612(a)(1)-(2), 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See § 1612(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 IMMIGR. L. CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/soc.securityadmin.spotlightonssibenefitsforaliens.  
180 See 8 U.S.C.§ 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.  
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183 See 8 U.S.C.§ 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.  


See 8 U.S.C. § 1641(b)(1) (Due to the work requirement, few SIJS children will qualify, although work done by the applicant, parent or spouse counts toward the 40 quarters of work.).


Professional and occupational licenses (permits individuals to acquire occupational and professional licenses upon receipt of work authorization). Available at https://legiscan.com/IN/bill/SB0419/2018.


6C.F.R. § 37.11(g)(1) (2012).


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

See 6 C.F.R. § 37.11(g)(1) (2012).


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


5 USCIS, Form I-765, Application for Employment Authorization, https://www.uscis.gov/i-765. VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive employment authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants receive employment authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for employment authorization approximately 6 months after filing for asylum. DACA recipients receive employment authorization based on deferred action, and SIJS children receive employment authorization once they are granted lawful permanent residency. Once an immigrant receives employment authorization from DHS they can apply for and receive a Social Security Number.

203 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 receive employment authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive employment 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.


Emergency Solutions Grant (Formerly Emergency Shelter Grant), IND. HOUS. & CMTY. DEV. AUTH., https://www.in.gov/ihcda/program-partners/emergency-solutions Grant-
esg/ (last visited Sept. 3, 2022).


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).


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See also NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (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).


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, is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(c).


224 42 U.S.C. § 1485; 22 U.S.C. § 7105(b); 42 U.S.C. § 1486(g)(4) (Sections 514 and 516 Farm Labor Housing); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that 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 unit after the original tenant has departed); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

225 See 7 C.F.R. § 3560.158(d); USDA MH/P HOMEOWNERSHIP PRIVATIZATION 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 unit after the original tenant has departed); NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).


228 See Rental Housing Tax Credit (RHTC)/Tax Credit Assistance Program (TCAP), IND. HOUS. & CMTY. DEV. AUTH., https://www.in.gov/myihcda/rhtc.htm (last visited June 22, 2018). The Indiana Housing & Community Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. See DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/.
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.


236 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.


239 See 42 U.S.C. § 1490(a) (Section 521 rental assistance); 42 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (Section 515 Rural Rental Housing).

240 See Rental Housing Tax Credit (RHTC)/Tax Credit Assistance Program (TCAP), IND. HOUS. & CMTY. DEV. AUTH., https://www.in.gov/myihcda/rhtc.htm (last visited June 22, 2018). The Indiana Housing & Community Development 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. 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.

241 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. Prior to receipt of lawful permanent residency, 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.


243 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.


245 See 42 U.S.C. § 1490(a) (Section 521 rental assistance); 42 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (Section 515 Rural Rental Housing).

246 See Rental Housing Tax Credit (RHTC)/Tax Credit Assistance Program (TCAP), IND. HOUS. & CMTY. DEV. AUTH., https://www.in.gov/myihcda/rhtc.htm (last visited June 22, 2018). The Indiana Housing & Community Development 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.


248 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.


251 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.


253 See Rental Housing Tax Credit (RHTC)/Tax Credit Assistance Program (TCAP), IND. HOUS. & CMTY. DEV. AUTH., https://www.in.gov/myihcda/rhtc.htm (last visited June 22, 2018). The Indiana Housing & Community Development 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. Prior to receipt of lawful permanent residency, 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.


260 26 U.S.C.A § 21(b); U.S. DEP’T OF TREASURY, I.R.S., PUBL 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). The definition of battering or extreme cruelty is identical to that in the immigration regulations. 45 C.F.R. § 204.2(c)(1)(vi). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine

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, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).}


See 45 C.F.R. §§ 1626.4(a)(1)(i) (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).

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, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).}


See 45 C.F.R. § 1626.4(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1626.4(a)(2)(i) (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. § 1626.2(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)(i), and the trafficking must have occurred in the U.S. or violated U.S. law).

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

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


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

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

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

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, paternal, 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)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forcible detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear

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violent but that are a part of an overall pattern of violence.”). See Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

324 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.).


326 Compare 45 C.F.R. § 1626.5(a).


328 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 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.”).


331 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following offenses, 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).

332 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).”

333 “Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASSN’S 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), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/.

333 See 45 C.F.R. § 1626.5(a).


335 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.”).


339 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. § 1626.4(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(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. § 1626.4(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage;peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting) (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.

340 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).

341 45 C.F.R. 1626.4(b) (”Related legal assistance means legal assistance directly related” to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/omega.gov-omega-2005-007-109-162-119-2960-10-28-05/ (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), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

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


45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(i)(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 45 C.F.R. § 1626.4(b) (“Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE 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.”).


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

387 8 U.S.C. § 1641(c)(1)(B)(i), or (ii); or 8 U.S.C. § 1641(c)(2), or (3).


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


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


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