

Access to State-Funded^a Public Benefits in Kentucky for Survivors,
Based on Immigration Status^{bc}

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	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
	<i>Qualified Immigrant^d</i>		<i>HHS Certification</i>	<i>Lawfully Present¹¹</i>			<i>Limited Benefits Eligibility¹²</i>	
TANF (Cash Assistance)	VAWA: Eligible with prima facie determination, ¹³ subject to five-year bar for those who arrived on or after August 22, 1996, ¹⁴ (After the first	<u>Refugee/Asylee</u> : Eligible for TANF regardless of date of entry. ¹⁹ <u>T visa</u> : with HHS certification or	Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility	Not eligible. ²⁵	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August	Not eligible. ³⁰	Not eligible. ³¹

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

^b © National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2025. This publication was developed under Grant Nos. SJI-15-T-234, SJI-22-T-037, SJI-23-T-043, and SJI-24-T-046 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute. This project was supported by Grant 15JOVW-24-GK-03012-MUMU, Nos. 15JOVW-21-GK-02208-MUMU, 15JOVW-23-GK-05119-MUMU and 15JOVW-24-GK-03012-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..

^c 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 “e”), VAWA cancellation of removal, VAWA suspension of deportation, U visas, and T visas. For technical assistance on benefits access for immigrant survivors please contact the National Immigrant Women’s Advocacy Project, American University, Washington College of Law (202) 274-4457 or info@niwap.org. NIWAP would like to thank Michelle Aronowitz and Dean’s Fellows Alexandra Brown and Sandeep Purewal for their work in developing these state public benefits charts.

^d 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_ovrw_fedprogs/ and NIWAP’s Public Benefits Map <https://niwaplibrary.wcl.american.edu/benefits-map>); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parolee; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1)(a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see OFFICE OF THE CHIEF IMMIGRATION JUDGE, U.S. 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).

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
TANF	<p>12 months may be subject to deeming).¹⁵</p> <p>Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996¹⁶ (may be subject to deeming)¹⁷</p> <p>Naturalized citizens: Eligible without restrictions.¹⁸</p>	<p>eligibility determination, eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.²⁰</p> <p><u>T visa holders or bona fide applicants</u> are also eligible as qualified immigrants, subject to five-year bar for those who entered on or after August 22, 1996.²¹</p>	<p>determination (under 18).²² These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.²³</p> <p>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.²⁴</p>		22, 1996. ²⁶ (may be subject to deeming). ²⁷	22, 1996 ²⁸ (may be subject to deeming). ²⁹		
Child Care	<p>Children with VAWA prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care.³²</p> <p>TANF-funded childcare subject to five-year bar for immigrants who</p>	<p>Children who are <u>asylees or refugees</u> are eligible for CCDF-funded child care and TANF-funded child care.³⁵</p> <p><u>T visa</u>: Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act</p>	<p>Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or an HHS eligibility determination (under 18) are eligible for CCDF-funded child care and TANF-funded child care.³⁹</p> <p>Family members with T visa status eligible for CCDF-funded child care</p>	<p>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</p>	<p>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</p>	<p>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-</p>	<p>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-</p>	<p>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</p>

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals,² and Naturalized Citizens	Refugees, Asylees, T Visas,³ Afghans,⁴ and Ukrainians⁵	T Visa⁶ Bona Fide or Continued Presence⁷	Deferred Action for Childhood Arrivals (DACA)⁸	Special Immigrant Juvenile Status (SIJS)⁹	U Visa, bona fide, or wait list approval.¹⁰	U Visa Applicants	Undocumented
Child Care	entered on or after August 22, 1996. ³³ Naturalized citizens: Eligible without restrictions. ³⁴	of 2000 to the same extent as refugees. ³⁶ Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care. ³⁷ They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996. ³⁸	and TANF-funded child care, no need for HHS Certification or eligibility determination. ⁴⁰	kindergarten or public and private child care provided after school or during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ⁴¹	during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ⁴² Upon receiving lawful permanent residency, eligible as for CCDF-funded child care. ⁴³ Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996. ⁴⁴	during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ⁴⁵ Upon receiving lawful permanent residency, eligible as for CCDF-funded child care. ⁴⁶ Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996. ⁴⁷	kindergarten or public and private child care provided after school or during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ⁴⁸	public and private child care provided after school or during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ⁴⁹
SNAP (Food Stamps)⁵⁰	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 8/22/1996/), disabled,	<u>Refugee/Asylee:</u> Eligible with no additional conditions. ⁵³ <u>T visa:</u> Eligible with prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled). ⁵⁴	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). ⁵⁶ Family members with T visa status eligible without	Not eligible.	Eligible upon receiving lawful permanent residency, subject to an additional condition, ⁵⁹ e.g.: under 18, ⁶⁰ five years residency, ⁶¹ 40 qualifying work quarters, ⁶² or disabled. ⁶³	Eligible upon receiving lawful permanent residency, subject to an additional condition, ⁶⁴ e.g.: under 18, ⁶⁵ five years residency, ⁶⁶ 40 qualifying work quarters, ⁶⁷ elderly, ⁶⁸ or disabled. ⁶⁹	Not eligible.	Not eligible.

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
SNAP	or if Lawful Permanent Resident with 40 quarters of work credit. ⁵¹ Naturalized citizens: Eligible without restrictions. ⁵²	Also eligible under the Trafficking Victims Protection Act to the same extent as refugees. ⁵⁵	HHS certification or eligibility determination. ⁵⁷ These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions. ⁵⁸					
The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	<p>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.⁷⁰ 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.⁷¹ 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).⁷²</p> <p><i>In Kentucky, applicants may apply for WIC at any of the WIC offices across the state or at the local health department.⁷³ The income eligibility requirement for a parent or guardian, who is the sole provider of children under age five, is to be at or below 185 percent of the federal poverty level.⁷⁴</i></p>							
Purchase Health Insurance on Exchanges^e	Eligible with VAWA prima facie determination, ⁷⁵ as a lawful permanent resident, ⁷⁶ or naturalized citizen. ⁷⁷	<u>Refugee</u> : Eligible. ⁷⁸ <u>Asylee</u> : Eligible; applicants eligible if granted work authorization, applicants under 14 eligible if application pending at least 180 days. ⁷⁹ <u>T visa</u> : Eligible with prima facie (bona fide) determination on T visa application. ⁸⁰	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). ⁸² Family members with T visa status eligible without HHS certification or eligibility determination. ⁸³	Eligible upon being granted Deferred Action for Childhood Arrivals (DACA). ⁸⁵	Eligible upon filing SIJS application. ⁸⁶	Eligible upon U visa, bona fide determination, ⁸⁷ or wait list approval. ⁸⁸	Not eligible. ⁸⁹	Not eligible. ⁹⁰

^e Under the Affordable Care Act, in “mixed status” households, each family member may have different eligibility for exchanges and subsidies. NAT’L IMMIGR. L. CTR., FREQUENTLY ASKED QUESTIONS: THE AFFORDABLE CARE ACT & MIXED-STATUS FAMILIES (rev. 2014), <https://www.nilc.org/wp-content/uploads/2015/11/FAQ-ACA-and-mixed-status-families-2014-12-1.pdf>.

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Health Insurance on Exchanges		<u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are eligible to the same extent as refugees. ⁸¹	These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry. ⁸⁴					
Child Health Insurance Program (CHIP) ⁹¹	<p>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, 1996.⁹²</p> <p>Naturalized citizens, eligible.⁹³</p> <p>Eligible for emergency Medicaid⁹⁴ and payments for the costs of Medical Forensic Examinations (including rape kits)⁹⁵ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,⁹⁶ CHIP is available for lawfully present⁹⁷ children and pregnant people (including</i></p>	<p><u>Refugee/Asylee:</u> Eligible, exempt from five-year bar.¹⁰¹</p> <p><u>T visa:</u> with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.¹⁰²</p> <p>Afghans special immigrants and Afghan and Ukrainian parolees are eligible to the same extent as refugees.¹⁰³</p> <p><u>T visa holders and T visa applicants</u> with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived</p>	<p>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).¹¹¹</p> <p>Family members with T visa status are eligible without HHS Certification or eligibility determination.¹¹²</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.¹¹³</p> <p>Eligible for emergency Medicaid¹¹⁴ and payments for the costs of Medical Forensic Examinations (including rape kits)¹¹⁵ regardless of immigration or citizenship status.</p>	<p>Eligible for emergency Medicaid¹²⁰ and payments for the costs of Medical Forensic Examinations (including rape kits)¹²¹ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,¹²² CHIP is available for lawfully present¹²³ children and pregnant people (including DACA recipients),¹²⁴ includes up to 12 months of</i></p>	<p>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.¹²⁶</p> <p>Eligible for emergency Medicaid¹²⁷ and payments for the costs of Medical Forensic Examinations (including rape kits)¹²⁸ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,¹²⁹ CHIP is available for lawfully present¹³⁰ children and pregnant people (including SIJS applicants),¹³¹ includes up to 12</i></p>	<p>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.¹³³</p> <p>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.¹³⁴</p> <p>Eligible for emergency Medicaid¹³⁵ and payments for the costs of Medical Forensic Examinations (including rape kits)¹³⁶ regardless of immigration or citizenship status.</p>	<p>Eligible for emergency Medicaid¹⁴² and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁴³ regardless of immigration or citizenship status.</p>	<p>Eligible for emergency Medicaid¹⁴⁴ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁴⁵ regardless of immigration or citizenship status.</p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
CHIP	VAWA self-petitioning children with prima facie determinations ⁹⁸ and lawful permanent residents), ⁹⁹ includes up to 12 months of post-partum care. ¹⁰⁰	on or after August 22, 1996. ¹⁰⁴ Eligible for emergency Medicaid ¹⁰⁵ and payments for the costs of Medical Forensic Examinations (including rape kits) ¹⁰⁶ regardless of immigration or citizenship status. <i>In Kentucky,¹⁰⁷ CHIP is available for lawfully present¹⁰⁸ children and pregnant people (including refugee, asylees, and T visa applicant children with bona fide determinations and HHS certification or child eligibility letters),¹⁰⁹ includes up to 12 months of post-partum care.¹¹⁰</i>	<i>In Kentucky,¹¹⁶ CHIP is available for lawfully present¹¹⁷ children and pregnant people (including children with HHS certification or eligibility letters),¹¹⁸ includes up to 12 months of post-partum care.¹¹⁹</i>	<i>post-partum care.¹²⁵</i>	<i>months of post-partum care.¹³²</i>	<i>In Kentucky,¹³⁷ CHIP is available for lawfully present¹³⁸ children and pregnant people (including children with U visas, bona fide determinations,¹³⁹ or wait-list approved U visas),¹⁴⁰ includes up to 12 months of post-partum care.¹⁴¹</i>		
Full-Scope Medicaid¹⁴⁶	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	<u>Refugee/Asylee:</u> Eligible, exempt from five-year bar. ¹⁵⁵ <u>T visa:</u> with HHS certification or eligibility determination,	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). ¹⁶⁵	Eligible for emergency Medicaid ¹⁷⁴ and payments for the costs of Medical Forensic Examinations	Eligible for emergency Medicaid ¹⁸⁰ and payments for the costs of Medical Forensic Examinations (including rape kits)	Eligible for emergency Medicaid ¹⁸⁷ and payments for the costs of Medical Forensic Examinations (including rape kits)	Eligible for emergency Medicaid ¹⁹⁶ and payments for the costs of Medical Forensic Examinations	Eligible for emergency Medicaid ¹⁹⁸ and payments for the costs of Medical Forensic Examinations (including rape

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Full-Scope Medicaid	<p>who arrived on or after August 22, 1996.¹⁴⁷</p> <p>Naturalized citizens, eligible.¹⁴⁸</p> <p>Eligible for emergency Medicaid¹⁴⁹ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁵⁰ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,¹⁵¹ CHIP available for lawfully present¹⁵² pregnant persons (including VAWA self-petitioners with prima facie determinations and lawful permanent residents),¹⁵³ includes up to 12 months of post-partum care.¹⁵⁴</i></p>	<p>immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.¹⁵⁶</p> <p><u>T visa holders and T visa applicants</u> with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.¹⁵⁷</p> <p>Afghans special immigrants and Afghan and Ukrainian parolees are eligible to the same extent as refugees.¹⁵⁸</p> <p>Eligible for emergency Medicaid¹⁵⁹ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁶⁰ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,¹⁶¹ CHIP available for lawfully present¹⁶² pregnant</i></p>	<p>Family members with T visa status eligible without HHS Certification or eligibility determination.¹⁶⁶</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.¹⁶⁷</p> <p>Eligible for emergency Medicaid¹⁶⁸ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁶⁹ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,¹⁷⁰ CHIP available for lawfully present¹⁷¹ pregnant persons (including children with HHS certification or eligibility letters),¹⁷² includes up to 12 months of post-partum care.¹⁷³</i></p>	<p>(including rape kits)¹⁷⁵ regardless of immigration or citizenship status.</p> <p><i>In Kentucky,¹⁷⁶ CHIP available for lawfully present¹⁷⁷ pregnant persons (including DACA recipients),¹⁷⁸ includes up to 12 months of post-partum care.¹⁷⁹</i></p>	<p>¹⁸¹ regardless of immigration or citizenship status.</p> <p>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.¹⁸²</p> <p><i>In Kentucky,¹⁸³ CHIP available for lawfully present¹⁸⁴ pregnant persons (including SIJS applicants),¹⁸⁵ includes up to 12 months of post-partum care.¹⁸⁶</i></p>	<p>¹⁸⁸ regardless of immigration or citizenship status.</p> <p>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.¹⁸⁹</p> <p>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar.¹⁹⁰</p> <p><i>In Kentucky,¹⁹¹ CHIP available for lawfully present¹⁹² pregnant persons (including children with U visas, bona fide determinations,¹⁹³ or wait-list approved U visas),¹⁹⁴ includes up to 12 months of post-partum care.¹⁹⁵</i></p>	<p>(including rape kits)¹⁹⁷ regardless of immigration or citizenship status.</p>	<p>kits)¹⁹⁹ regardless of immigration or citizenship status.</p>

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Medicaid		<i>persons (including refugee, asylees, and T visa applicant children with bona fide determinations and HHS certification or child eligibility letters),¹⁶³ includes up to 12 months of post-partum care.¹⁶⁴</i>						
Victims of Crime Act (VOCA) Compensation	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. ²⁰⁰							
Family Medical Leave Act	Kentucky has no state Family Medical Leave Act. Federal FMLA law applies. ²⁰¹							
Education-Federal Benefits: Federal Student Aid, Grants and Loans ²⁰² Education-Federal Benefits	VAWAs with prima facie determinations, Battered Spouse Waiver applicants, and all lawful permanent residents, eligible. ²⁰³ Naturalized citizens, eligible. ²⁰⁴	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. ²⁰⁵	Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid. ²⁰⁶	Not eligible for federal student aid. ²⁰⁷	Eligible for federal student aid upon receipt of lawful permanent residency. ²⁰⁸	Eligible for federal student aid upon receipt of lawful permanent residency. ²⁰⁹	Not eligible for federal student aid.	Not eligible for federal student aid.
Education-State Law	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. ²¹⁰ Eligible to apply for and enroll in state funded colleges and universities without regard to immigration status. ²¹¹ <i>At its public postsecondary institutions, Kentucky allows in-state tuition rates and access to institutional aid or scholarships for eligible Kentucky resident students, regardless of immigration status.²¹² A person is considered a resident of Kentucky if they graduated from a Kentucky high school²¹³.</i>							

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Supplemental Security Income (SSI) ²¹⁴	<p>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.²¹⁵ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.²¹⁶</p> <p>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work²¹⁷, subject to five-year bar for those who arrived on or after August 22, 1996.²¹⁸</p> <p>Naturalized citizens, eligible.²¹⁹</p>	<p><u>Refugees/Asylees:</u> Eligible during first seven years after the status was granted.²²⁰</p> <p><u>Trafficking victims:</u> Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.²²¹</p> <p><u>T visa</u>²²²: 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.²²³ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.²²⁴ This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.²²⁵</p>	Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees. ²²⁶	Not eligible.	Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, ²²⁷ subject to five-year bar, for those who arrived on or after August 22, 1996. ²²⁸	Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work ²²⁹ subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled. ²³⁰ Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979. ²³¹	Not eligible. ²³²	Not eligible. ²³³

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Professional and Occupational Licenses	No state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.							
Driver's License²³⁴	<p>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.²³⁵ The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status;²³⁶ DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.²³⁷ In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”²³⁸</p> <p><i>In Kentucky, the REAL ID Act will not impact licenses until January 1, 2019.²³⁹ All non-U.S. citizens wishing to apply for a Kentucky driver's permit/license/ID card to make application to a Division of Driver Licensing Regional Field Office.²⁴⁰ This excludes permanent residents. Once the Division of Driver Licensing approves the application, the Kentucky driver's permit/license/ID card will be issued from the Circuit Court Clerk's office in the county where the applicant resides (permanent residents may go directly to the Circuit Court Clerk's office).²⁴¹</i></p> <p><i>Kentucky requires the following documentation²⁴²:</i></p> <ul style="list-style-type: none"> • <i>Proof of Kentucky residency (at least 30 days)</i> • <i>Proof of Social Security number</i> <ul style="list-style-type: none"> ○ <i>A denial or ineligibility letter is accepted.</i> • <i>Proof of identity, any of the following are accepted²⁴³:</i> <ul style="list-style-type: none"> ○ <i>Visa with valid I-94 card, Employment Authorization Card (I-68B or I766),²⁴⁴ I-94 issued by USCIS with a stamped picture, Passport with entry stamp. Particular classifications may require additional documentation.²⁴⁵</i> ○ <i>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.²⁴⁶</i> 						Not eligible.	
Housing and Other Services Necessary to Protect Life or Safety	Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status or naturalized citizenship and may not withhold those services based on immigration status or naturalized citizenship. ²⁴⁷ Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services; mental health, disability, or substance abuse assistance necessary to protect life or safety; activities designed to protect the life or safety of workers, children and youths, or community residents; programs to help individuals during periods of adverse weather conditions. ²⁴⁸							
Public and Assisted²⁴⁹	Upon filing VAWA self-petition, applicant cannot be denied HUD	<u>Refugee/Asylee, T visa holder or T visa applicant</u> with prima	Human trafficking victims with an HHS Certification (based on continued	Eligible for USDA Section 515 Rural	Eligible for USDA Section 515 Rural Rental Housing	Eligible for USDA Section 515 Rural Rental Housing	Eligible for USDA Section 515 Rural	Eligible for USDA Section 515 Rural

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Housing, ²⁵⁰ and Low-Income Housing Tax Credit (LIHTC) Housing ²⁵¹	<p>public or assisted housing unless and until a final determination of ineligibility.²⁵²</p> <p>USDA rental housing follows HUD procedures for processing VAWA self-petitions,²⁵³ 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),²⁵⁴ and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.²⁵⁵</p> <p>Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer</p>	<p>facie (bona fide) determination eligible for:</p> <p>HUD public and assisted housing;²⁶⁴ USDA Section 515 Rural Rental Housing;²⁶⁵ USDA Section 521 Rural Rental Assistance;²⁶⁶ USDA Section 514/516 Farm Labor Housing if immediate family member²⁶⁷ or remaining household member²⁶⁸ of eligible domestic farm laborer.</p> <p>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.²⁶⁹</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁷⁰</i></p>	<p>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),²⁷¹ are eligible for: HUD public and assisted housing²⁷² and USDA rental housing.²⁷³</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁷⁴</i></p>	<p>Rental Housing (without Rental Assistance),²⁷⁵ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁷⁶</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁷⁷</i></p>	<p>(without Rental Assistance),²⁷⁸ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁷⁹</p> <p>Upon receiving lawful permanent residency,²⁸⁰ eligible for HUD²⁸¹ and USDA²⁸² rental housing.²⁸³</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁸⁴</i></p>	<p>(without Rental Assistance),²⁸⁵ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁸⁶</p> <p>Upon receiving lawful permanent residency,²⁸⁷ eligible for HUD²⁸⁸ and USDA²⁸⁹ rental housing.²⁹⁰</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁹¹</i></p>	<p>Rental Housing (without Rental Assistance),²⁹² and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁹³</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁹⁴</i></p>	<p>Rental Housing (without Rental Assistance),²⁹⁵ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁹⁶</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁹⁷</i></p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Public and Assisted Housing and LIHTC	<p>eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.²⁵⁶</p> <p>Lawful permanent residents are eligible for public and assisted housing²⁵⁷ and for USDA Section 514/516 Farm Lab or Housing;²⁵⁸ USDA Section 521 Rural Rental Assistance.²⁵⁹</p> <p>Naturalized citizens are eligible for public and assisted housing²⁶⁰ and for USDA Section 514/516 Farm Lab or Housing;²⁶¹ USDA Section 521 Rural Rental Assistance.²⁶²</p> <p><i>May be eligible for Kentucky Low Income Housing Tax Credit Property.²⁶³</i></p>							
Income Tax Credits	<p>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.²⁹⁸ A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).²⁹⁹ Immigrants eligible to receive social security numbers include naturalized citizens, lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa</p>							

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Income Tax Credits	<p>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.³⁰⁰</p> <p>Child and Dependent Care Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—</p> <ul style="list-style-type: none"> • 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.³⁰¹ <p>The child or dependent must have a social security number or ITIN.³⁰² 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.³⁰³</p>							
Earned Income Tax Credit (EITC)	VAWA self-petitioners, lawful permanent residents, and naturalized citizens who ³⁰⁴ : 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, ³⁰⁵ have a social security number valid for work, ³⁰⁶ and have earned income during the tax year ³⁰⁷ are eligible for the earned income tax credit (EITC). ³⁰⁸	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, ³⁰⁹ have a social security number valid for work, ³¹⁰ and have earned income during the tax year ³¹¹ are eligible for the earned income tax credit (EITC). ³¹²	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, ³¹³ have a social security number valid for work, ³¹⁴ and have earned income during the tax year ³¹⁵ are eligible for the earned income tax credit (EITC). ³¹⁶	DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, ³¹⁷ have a social security number valid for work, ³¹⁸ and have earned income during the tax year ³¹⁹ are eligible for the earned income tax credit (EITC). ³²⁰	SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, ³²¹ have a social security number valid for work, ³²² and have earned income during the tax year ³²³ are eligible for the earned income tax credit (EITC). ³²⁴	Once granted lawful permanent residency ³²⁵ 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 six months, ³²⁶ who have a social security number valid for work, ³²⁷ and who are earning income are eligible for the earned income tax credit (EITC). ³²⁸	Not eligible.	Not eligible.

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Legal Services³²⁹	<p>An immigrant who (or whose child) is battered or subjected to extreme cruelty³³⁰ inside or outside of the United States³³¹ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.³³²</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,³³³ or spouses, parents, and unmarried children under age 21 of U.S. citizens³³⁴ become eligible for full representation on any matter upon filing an application for lawful permanent residency.³³⁵</p> <p>Lawful permanent residents, applicants for lawful permanent residency,³³⁶ and naturalized citizens³³⁷</p>	<p><u>Refugee/Asylee:</u> Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles.³⁴²</p> <p><u>T visa:</u> An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa holder,³⁴³ is eligible for legal assistance on any matter the LSC-funded agency handles.³⁴⁴</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁴⁵ for victims of domestic violence, sexual assault, stalking³⁴⁶ or dating violence.³⁴⁷ Must be at least 11 years old.³⁴⁸</p>	<p>An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification,³⁴⁹ and family members with (or applying for) T visa status,³⁵⁰ are eligible for legal assistance on any matter the LSC-funded agency handles.</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁵¹ for victims of domestic violence, sexual assault, stalking³⁵² or dating violence.³⁵³ Must be at least 11 years old.³⁵⁴</p>	<p>A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty,³⁵⁵ or is a victim of sexual assault or trafficking in the U.S.,³⁵⁶ is eligible for legal services from LSC-funded agencies³⁵⁷ on matters related to the abuse.³⁵⁸</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁵⁹ for victims of domestic violence, sexual assault, stalking³⁶⁰ or dating violence.³⁶¹</p>	<p>Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty,³⁶³ or sexual assault or trafficking in the U.S.,³⁶⁴ on matters related to the abuse.³⁶⁵</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,³⁶⁶ or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.³⁶⁷</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁶⁸ for victims of domestic violence, sexual assault, stalking³⁶⁹ or dating violence.³⁷⁰ Must</p>	<p>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 status³⁷² is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies³⁷³ on matters related to the crime victimization.³⁷⁴</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,³⁷⁵ or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.³⁷⁶</p> <p>Eligible for Office of Violence Against</p>	<p>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 status³⁸¹ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies³⁸² on matters related to the crime victimization.³⁸³</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁸⁴ for victims of domestic violence, sexual assault,</p>	<p>An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty,³⁸⁸ or is a victim of sexual assault or trafficking in the U.S.,³⁸⁹ is eligible for legal services from LSC-funded agencies³⁹⁰ on matters related to the abuse.³⁹¹</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁹² for victims of domestic violence, sexual assault, stalking³⁹³ or dating violence.³⁹⁴ Must be at least 11 years old.³⁹⁵</p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Legal Services	are eligible for full representation. Eligible for Office of Violence Against Women funded Legal Assistance ³³⁸ as a victim of domestic violence, sexual assault, stalking ³³⁹ or dating violence. ³⁴⁰ Must be at least 11 years old. ³⁴¹			Must be at least 11 years old. ³⁶²	be at least 11 years old. ³⁷¹	Women funded Legal Assistance ³⁷⁷ for victims of domestic violence, sexual assault, stalking ³⁷⁸ or dating violence. ³⁷⁹ Must be at least 11 years old. ³⁸⁰	stalking ³⁸⁵ or dating violence. ³⁸⁶ Must be at least 11 years old. ³⁸⁷	
Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ³⁹⁶ Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship. ³⁹⁷ <i>In Kentucky, VAWA self-petitioners are eligible for WAP, if</i>	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ³⁹⁹ Refugees, asylees, T visa holders, and T visa applicants with prima facie (bona fide) determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance. ⁴⁰⁰ <i>In Kentucky, refugees, asylees, and T visa applicants with bona</i>	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status. ⁴⁰² Human trafficking victims with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18), are considered refugees and thus are eligible for LIHEAP heating/cooling and single-family weatherization assistance. ⁴⁰³ <i>In Kentucky, T visa applicants with bona fide</i>	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴⁰⁵ <i>In Kentucky, DACA recipients are eligible for WAP, if household has not received weatherization assistance on or after</i>	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴⁰⁷ Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency. ⁴⁰⁸	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status. ⁴¹⁰ Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency. ⁴¹¹ <i>In Kentucky, U visa holders are eligible</i>	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴¹³ <i>In Kentucky, U visa applicants are eligible for WAP, if their household has not received weatherization assistance on or after September 30, 1994.⁴¹⁴</i>	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴¹⁵ <i>In Kentucky, undocumented individuals are eligible for WAP, if household has not received weatherization assistance on or after September 30, 1994.⁴¹⁶</i>

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals,² and Naturalized Citizens	Refugees, Asylees, T Visas,³ Afghans,⁴ and Ukrainians⁵	T Visa⁶ Bona Fide or Continued Presence⁷	Deferred Action for Childhood Arrivals (DACA)⁸	Special Immigrant Juvenile Status (SIJS)⁹	U Visa, bona fide, or wait list approval.¹⁰	U Visa Applicants	Undocumented
LIHEAP	<i>household has not previously received weatherization assistance on or after September 30, 1994.³⁹⁸</i>	<i>fide determinations are eligible for WAP, if their household has not previously received weatherization assistance on or after September 30, 1994.⁴⁰¹</i>	<i>determinations and trafficking victims with continued presence and their derivatives are eligible for WAP, if their household has not received weatherization assistance on or after September 30, 1994.⁴⁰⁴</i>	<i>September 30, 1994.⁴⁰⁶</i>	<i>In Kentucky, SIJS holders are eligible for WAP, if their household has not received weatherization assistance on or after September 30, 1994.⁴⁰⁹</i>	<i>for WAP, if their household has not received weatherization assistance on or after September 30, 1994.⁴¹²</i>		
Federal Emergency Management Agency (FEMA) Assistance⁴¹⁷	<p>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.⁴¹⁸</p> <p>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.⁴¹⁹</p>							
Federal Emergency Management Agency (FEMA)-Restricted Programs⁴²⁰	<p>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship:⁴²¹</p> <p>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴²²</p> <p>Eligible for Emergency Supplemental</p>	<p>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to <u>Refugees, Asylees, T visa applicants</u> with prima facie (bona fide) determination.⁴²⁴</p> <p>Emergency SNAP open to <u>Refugees/Asylees</u> (no five-year bar),⁴²⁵ and <u>T visa applicants</u> with prima facie (bona fide) determination, subject</p>	<p>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).⁴²⁷</p> <p>These human trafficking victims are considered refugees and thus are eligible for FEMA</p>	Not eligible.	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴²⁹</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴³¹</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴³³</p> <p>Eligible for Emergency</p>	Not eligible. ⁴³⁵

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ Bona Fide or Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
FEMA	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. ⁴²³	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. ⁴²⁶	Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP. ⁴²⁸		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. ⁴³⁰	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. ⁴³²	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. ⁴³⁴	
Unemployment Insurance⁴³⁶	Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship. ⁴³⁷	<u>Refugee:</u> Eligible for UI. ⁴³⁸ <u>Asylee:</u> Eligible for UI upon grant receipt of work authorization. ⁴³⁹ <u>T Visa, Afghans, and Ukrainians:</u> Eligible for UI upon receipt work authorization. ⁴⁴⁰	Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization. ⁴⁴¹	Eligible for UI upon receipt of work authorization. ⁴⁴²	Eligible for UI upon receipt of work authorization. ⁴⁴³	Eligible for UI upon receipt of work authorization. ⁴⁴⁴	Not eligible. ⁴⁴⁵	Not eligible. ⁴⁴⁶

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).

² For those working with immigrant clients who are Compact of Free Association (COFA) citizens/nationals please see NIWAP’s Hawaii Public Benefits Chart (<https://niwaplibrary.wcl.american.edu/pubs/hawaii-benefits/>) which contains a detailed explanation with footnotes for each public benefit describing what COFA nationals/citizens are eligible for in all U.S. jurisdictions. Under COMPACT OF FREE ASSOCIATION ACT (COFA) Pacific Islanders who are citizens/nationals of the Marshall Islands, Palau, and the Federated States of Micronesia (collectively the Freely Associated States or FAS) living in the United States (including all U.S. territories) are eligible for federal public benefits without being subject to the 5-year bar. COMPACT IMPACT FAIRNESS ACT (CIFA) included in CONSOLIDATED APPROPRIATIONS ACT of 2024 (March 9, 2024). Information about COFA eligibility for public benefits is also being included in each state’s listing in NIWAP’s public benefits map <https://niwaplibrary.wcl.american.edu/benefits-map/>

³ *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 facie) 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.).

⁴ **Afghans entering between 7/31/21 and 9/30/23:** In 2021, Congress extended benefits eligibility to certain Afghans paroled into the U.S. through § 2502 of the Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43, 135 Stat. 344, 377 (2021). This law was amended by the Continuing Appropriations and Ukraine Supplemental Appropriations Act, Pub. L. 117-180 § 149, 135 Stat. 2114, 2124 (2022), and by the Consolidated Appropriations Act, 2023, Pub. L. 117-328 § 1501, 136 Stat. 4459, 5195 (2022). This law as amended provides that:

- Afghans granted humanitarian parole between July 31, 2021 and September 30, 2023 are eligible for resettlement assistance, entitlement programs, federally recognized driver’s licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.
- The spouses and children of these Afghans granted humanitarian parolees who are granted their own humanitarian parole after September 30, 2022, are also eligible for resettlement assistance, entitlement programs, federally recognized driver’s licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.
- Parents or guardians of unaccompanied Afghan children granted parole after September 30, 2023 are— also eligible for resettlement assistance, entitlement programs, federally recognized driver’s licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.

See OFF. OF REFUGEE RESETTLEMENT, U.S. DEP’T OF HEALTH AND HUM. SERV., *Fact Sheet: Benefits for Afghan and Iraqi Special Immigrant Visa (SIV) Holders or SQ/SI Parolees* <https://www.acf.hhs.gov/orr/fact-sheet/benefits-afghan-and-iraqi-special-immigrant-visa-siv-holders-or-sq/si-parolees> (last visited November 29, 2023) (Iraqi and Afghan special immigrant visa holders (SIV) and special immigrant parolees (who have applied for SIV status) are eligible for federal benefits to the same extent as refugees.) *See also* *The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) <https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees> (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

Afghans entering on or after 10/1/23:

- Afghan humanitarian parolees arriving on or after October 1, 2023, are not eligible for federal public benefits to the same extent as refugees. *See* *The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) <https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees> (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

Afghans under the Temporary Protected Status:

- Are considered lawful present individuals which provides access to healthcare exchanges to purchase health insurance and some states state-funded healthcare subsidies or other access to state funded benefits to the same extent as other lawful present individuals, cited on this public benefits chart as DACA, SIJS, U-visa bona fide or wait list approval. Extension of Designation of Afghanistan for TPS, 88 Fed. Reg. 65728 (Sep. 25, 2023). *See* Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program, 89 Fed. Reg. 39392, 39436 (May 8, 2024).

Afghans with pending or approved applications for asylum:

- Receive the same public benefits access as all other asylees. Afghan asylum applicants will have greater access to public benefits than other asylum applicants if they were granted one of the forms of humanitarian parole listed above that receives access to public benefits to the same extent as refugees. Once an Afghan recipient of humanitarian parole applies for and is granted asylum, they receive access to state and federal public benefits to the same extent as asylees.

See also, *Changes to Benefits Eligibility and Services for Afghans Arriving as Humanitarian Parolees*, SETTLEIN (FEB. 21, 2024) <https://www.settlein.support/en-us/articles/16903785241629>.

⁵ Ukraine Security Supplemental Appropriations Act of 2024, 118 P.L. 50; 2024 Enacted H.R. 815; 118 Enacted H.R. 815; 138 Stat. 895 (2024). *Department of Homeland Security, President Biden to Announce Uniting For Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing the Russian Invasion of Ukraine*, DEP’T OF HOMELAND SEC. (April 21, 2022) <https://niwaplibrary.wcl.american.edu/pubs/ukrainians-2022-dhs/> (Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2024 – and their spouses and children, and parents,

guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2024 – are eligible for federal benefits to the same extent as refugees.); *See The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Ukrainian Refugees* (November 29, 2023) <https://niwaplibrary.wcl.american.edu/orr-policy-letters-ukrainian-refugees> (Contains HHS Policy Letters and Fact Sheets regarding Ukrainian Refugees).

⁶ *See* 22 U.S.C. § 7105(b)(1) (Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees.); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; 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/>.

⁷ *See* 22 U.S.C. § 7105(b)(1)(E)(i)(II)(bb) (Immigrants with HHS certification that their continued presence is needed to effectuate prosecution of human traffickers are eligible to receive public benefits to the same extent as refugees.); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

⁸ *See* DACA, NAT’L IMMIGR. 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.).

⁹ *See* 8 U.S.C. § 1101(a)(27)(j) (Special Immigrant Juvenile Status (SIJS) allows certain youth immigrant survivors of abuse, abandonment, and/or neglect by a parent to obtain legal immigration status.).

¹⁰ *See* 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://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/> (Upon receipt of deferred action U visa applicants are considered lawfully present.). U visa applicants receive deferred action which provides formal protection from deportation when they receive a bona fide determination or wait-list approval from U.S. Citizenship and Immigration Services (USCIS). *See*, NIWAP, New DHS U Visa Bona Fide Policy Provides Earlier Access Deferred Action and Work Authorization To Applicants and NIWAP New Study Provides Evidence-Based Support for These New DHS Policies (June 14, 2021) <https://niwaplibrary.wcl.american.edu/transforming-lives-study-21>.

¹¹ 45 C.F.R. § 155.20 (Defining lawfully present immigrants); 42 CFR § 435.4 (Defining qualified immigrants). For a detailed list of lawfully present immigrants eligible under federal law to purchase health insurance on the exchanges, who may also be eligible for federal or state funded healthcare subsidies, *see*, Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024), <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>; Leslye E. Orloff, *Annotated Statutes Related to Public Benefits Eligibility for Immigrant Survivors of Domestic Violence, Child Abuse and Human Trafficking* (May 27, 2024), <https://niwaplibrary.wcl.american.edu/pubs/1641-1631-benefits-laws-annotated/>; Leslye E. Orloff, *Annotated Violence Against Women Act (VAWA) Self-Petitioner Definition INA 101(a)(51)* (May 27, 2024), <https://niwaplibrary.wcl.american.edu/pubs/vawa-self-petitioner-annotated-ina-101a51/>.

¹² 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. 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-tbl-2018.pdf> (providing guidelines on what information a State may request from a parent applying on behalf of a child applicant); *see also* Anna Pohl, Hema Sarangapani, Amanda Baran, and Cecilia Olavarria, *Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits* (Jul. 10, 2013), <https://niwaplibrary.wcl.american.edu/pubs/ch4-3-importance-advocates>; *see also* Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers In State Applications For Medicaid, State Children’s Health Insurance Program (SCHIP), Temporary Assistance For Needy Families (TANF), and Food Stamp Benefits, U.S. DEP’T HEALTH & HUM. SERV. (Mar. 24, 2006), <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhsqacitizenshippolicyguidance-03-24-06>.

¹³ Battered Spouse Waiver victims are VAWA self-petitioners as defined in INA § 101(a)(51). To be eligible for a battered spouse waiver the victim must be a battered immigrant spouse of a U.S. citizen or lawful permanent resident who filed an immigration case on the battered spouse’s behalf through which the immigrant spouse was granted conditional permanent residency. Most battered spouse waiver applicants will have conditional permanent residency at the time they file their battered spouse waiver application. Their public benefits eligibility is based either on their conditional permanent residency or on their battered spouse waiver application. It is important to note that after an abused immigrant spouse files their battered spouse waiver application, they become eligible for VAWA self-petitioning related deeming exceptions and eligible for state funded public benefits to the same extent as all other VAWA self-petitioners in states that grant self-petitioners access to state funded public benefits.

¹⁴ NAT’L IMMIGR. L. IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).

¹⁵ 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), <http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/>. *See* Catherine Longville and Leslye Orloff, *Public Benefits: What is “Deeming” and What Are its Exceptions*, (January 13, 2015), <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>. *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>

¹⁶ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).

¹⁷ 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse's or parent's family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att'y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), <http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/>. See Catherine Longville and Leslye Orloff, *Public Benefits: What is "Deeming" and What Are its Exceptions*, (January 13, 2015), <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>. *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>

¹⁸ 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.)

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

²⁰ 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) (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) (codified at 8 C.F.R. pt. 103), <http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/>. TANF benefits for refugees are available without a five-year waiting period but are limited to five years. However, if the refugee attains lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as a lawful permanent resident by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran's family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. See NAT'L 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/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP'T. OF HEALTH & HUM. SERV., *TANF-ACF-PI-2003-03 (Deeming of Sponsor's Income and Resources to A Non-Citizen)* (April 17, 2003), <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>.

²¹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 8 U.S.C. § 1641(c)(4). An applicant with a military connection is eligible as a matter of federal law, without the five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Federal law does not require states to impose the five-year time limit to trafficking victim eligibility as a qualified immigrant and many states cover T visa holders and T visa applicants with bona fide determinations under Victims of

Trafficking and Violence Protection Act (TVPA) of 2000. 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>.

²² OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. 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)).

²³ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. 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)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>

²⁴ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

²⁵ NAT'L IMMIGR. L. IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁶ NAT'L IMMIGR. L. IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1). SIJS applicant with a military connection is eligible without five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2).

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

²⁸ NAT'L IMMIGR. L. IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

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

³⁰ NAT'L IMMIGR. L. IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³¹ NAT'L IMMIGR. L. IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³² In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. **U.S. Department of Health and Human Services**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>; NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

³³ NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

³⁴ 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.)

³⁵ See 8 U.S.C. § 1641(b)(2)-(3). NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁶ See 22 U.S.C. § 7105(b)(1); NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁷ See 8 U.S.C. § 1641(c)(4). NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁸ See 8 U.S.C. § 1641(c)(4). NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁹ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016),

<https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>; NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR

FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. 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)).

⁴⁰ NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%28%29.pdf>. See 22 U.S.C. § 7105(b).

⁴¹ NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴² NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴³ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. **U.S. Department of Health and Human Services**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGR. L. IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

⁴⁴ 8 U.S.C. §§ 1612(b)(2)(A)(ii); Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. **U.S. Department of Health and Human Services**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(b)(1).

⁴⁵ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁶ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. **U.S. Department of Health and Human Services**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

⁴⁷ 8 U.S.C. §§ 1612(b)(2)(A)(ii); Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. **U.S. Department of Health and Human Services**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(b)(1).

⁴⁸ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁹ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁵⁰ See FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) (2017), <https://www.fns.usda.gov/snap/eligibility> (As with most public benefits, to obtain food stamps, individuals must also meet resource, income, and employment requirements. There is a pre-screening tool to determine if an individual might be eligible for nutrition assistance.); See also *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (In general, non-citizens who have lived in the U.S. for 5 years or more, are blind or disabled, are under the age of 18, were admitted for lawful permanent residence with 40 qualifying quarters or are lawfully residing and are on active duty in the U.S. Army, Air Force, Marine Corps, or Coast Guard or honorably discharged are eligible.)

⁵¹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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); See 8 U.S.C. § 1641(c); See also 8 U.S.C. § 1612(a)(1)-1612(a)(2). Battered immigrants are not subject to deeming for at least 12 months, with the possibility of extension. See *Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, available at https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Apr. 12, 2019).

⁵² *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 4, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019). https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf

- ⁵³ See 8 USC § 1612(a)(2)(A) and (L). Directly eligible for SNAP as refugees and asylees for seven years. However, they retain eligibility past the seven years since they will have transitioned into qualified immigrant status, with indefinite eligibility for SNAP, after five years. See 8 U.S.C. § 1641(b)(2)-(3). 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 Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 8 U.S.C. § 1641(b)(2)-(3). See also *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019). https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf
- ⁵⁴ 8 U.S.C. § 1641(c)(4); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁵⁵ 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)). NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁵⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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);. 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)).
- ⁵⁷ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).
- ⁵⁸ 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 NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁵⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁶⁰ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).
- ⁶¹ *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). Five-year residency includes time in qualified status prior to turning 18. When SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they can show they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S.C. § 1631; *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31-33, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).
- ⁶² *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.)
- ⁶³ *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). May be subject to deeming.
- ⁶⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁶⁵ *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). (Eligible children are exempt from sponsor deeming.)
- ⁶⁶ *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). (Five-year residency includes time in qualified status prior to turning 18.) May be subject to deeming.
- ⁶⁷ See *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.)

- ⁶⁸ *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). (Born on or before August 22, 1931 and lawfully resided in the U.S. on August 22, 1996.). May be subject to deeming.
- ⁶⁹ *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). May be subject to deeming.
- ⁷⁰ 42 U.S.C.S. § 1786; *Women, Infants, and Children (WIC)*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited June 14, 2018).
- ⁷¹ *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited June 14, 2018).
- ⁷² *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited June 14, 2018).
- ⁷³ *Applying for WIC*, KY CABINET FOR HEALTH & FAMILY SERVS., *Special Supplemental Nutrition Program for Women, Infants and Children*, <https://chfs.ky.gov/agencies/dph/dmch/nsb/Pages/wic.aspx> (last visited June 27, 2018).
- ⁷⁴ *Applying for WIC*, KY CABINET FOR HEALTH & FAMILY SERVS., *Special Supplemental Nutrition Program for Women, Infants and Children*, <https://chfs.ky.gov/agencies/dph/dmch/nsb/Pages/wic.aspx> (last visited June 27, 2018).
- ⁷⁵ 8 U.S.C. § 1641(c); HealthCare.gov, *Immigrants, Immigration status and the Marketplace* (last visited November 29, 2023) (Listing immigrants with which immigration statuses are legally able to use the Marketplace); See NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.
- ⁷⁶ 8 U.S.C. § 1641(c); HealthCare.gov, *Immigrants, Immigration status and the Marketplace* (last visited November 29, 2023) (Listing immigrants with which immigration statuses are legally able to use the Marketplace); See NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.
- ⁷⁷ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.
- ⁷⁸ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 2 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(b)(2); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.
- ⁷⁹ 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-hhslawfullyresidingmedicaid-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."); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.
- ⁸⁰ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c)(4). See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁸¹ 42 C.F.R. § 435.4(2)(ii), (iv), and (v); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁸² NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. *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*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁸³ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>. *See* 22 U.S.C. § 7105(b).

⁸⁴ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. *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*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁸⁵ 45 C.F.R. 152.2(4)(vi); 8 C.F.R. 236.22. (Beginning November 1, 2024 recipients of Deferred Action for Childhood Arrivals (DACA) are eligible for access to state and federal healthcare exchanges.); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [*Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)*](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁸⁶ 45 C.F.R. 152.2(7); NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>; *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [*Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)*](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁸⁷ 45 C.F.R. 152.2(4)(vi); U visa bona fide determinations come with deferred action which is protection from deportation and which makes U visa applicants eligible for health care as lawfully residing immigrant. 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-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [*Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)*](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁸⁸ ⁸⁸ 45 C.F.R. 152.2(4)(vi); 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-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; *See*, Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS), *Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program* (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [*Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)*](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁸⁹ Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMGR. WOMEN'S ADVOC. PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; NAT'L IMMIGR. L. CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5-6 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>.

⁹⁰ NAT'L IMMIGR. L. CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 1 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf> (DACA coverage limited to those "lawfully present" in the United States).

⁹¹ Footnotes in this section contain additional details on health care subsidies, including co-pays that may be required. They contain further state by state information on health care access for immigrant survivors of domestic and sexual violence. *See* MORGAN, LEWIS & BOCKIUS, LLP *Chapter 17.1: Emergency Medicaid – Urgent Medical Services for Immigrant Crime Victims and Children*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (December 2016), <http://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid/>; *see id.* *Chapter 17.2: Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services* (February 12, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims/>; *see id.* *Chapter 17.3: Post-*

Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence (June 13, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation>; *see id.* *Chapter 17.4: Pre-Natal and Child Health Care for Immigrant Victims and Their Children* (February 17, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-4-prenatal-care>.

⁹² 42 C.F.R. § 435.406(2)(i); 8 U.S.C. § 1641(c); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

⁹³ Health Case.gov, *Immigrants, Coverage for U.S. Citizens and U.S. Nationals* (last visited November 29, 2023) <https://www.healthcare.gov/immigrants/immigration-status/>. NAT'L IMMIGR. L. CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. *See* 8 U.S.C. § 1641(c).

⁹⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

⁹⁵ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

⁹⁶ Ctr. For Medicare & Medicaid Serv., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

⁹⁷ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁹⁸ 42 C.F.R. § 435.4(1)(ix), (x), and (xi).

⁹⁹ 42 C.F.R. § 435.4(1)(i).

¹⁰⁰ Ctr. For Medicare & Medicaid Serv., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

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

¹⁰² 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: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

¹⁰³ 42 C.F.R. § 435.4(2)(ii), (iv), and (v).

¹⁰⁴ *See* 8 U.S.C. § 1641(c)(4).

¹⁰⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁰⁶ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁰⁷Ctr. For Medicare & Medicaid Serv., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁰⁸ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁰⁹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 10, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>; Nat'l Immigr. L. Ctr., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS, 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; Kynect Benefits, *Kentucky Medicaid and KCHIP: Kentucky Medicaid Requirements* (last visited April 8, 2024), https://www.kynect.ky.gov/benefits/s/medicaid-kchip-program?language=en_us; Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf>. See 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://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

¹¹⁰Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹¹¹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). See also 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.

¹¹² NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

¹¹³ 22 U.S.C. § 7105(b)(1). Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹¹⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹¹⁵ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹¹⁶Ctr. For Medicare & Medicaid Serv., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹¹⁷ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹¹⁸ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 10, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>; Nat'l Immigr. L. Ctr., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS, 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; Kynect Benefits, *Kentucky Medicaid and KCHIP: Kentucky Medicaid Requirements* (last visited April 8, 2024), https://www.kynect.ky.gov/benefits/s/medicaid-kchip-program?language=en_us; Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB->

Chart-MedicalAssistanceProgramsState-11.28.14.pdf. See 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://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

¹¹⁹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹²⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²¹ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

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¹²³ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹²⁴ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 10, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>; Nat'l Immigr. L. Ctr., *Table: Medical Assistance Programs for Immigrants in Various States* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS, 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; Kynect Benefits, *Kentucky Medicaid and KCHIP: Kentucky Medicaid Requirements* (last visited April 8, 2024), https://www.kynect.ky.gov/benefits/s/medicaid-kchip-program?language=en_us; Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf>. See 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://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

¹²⁵ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹²⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

¹²⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²⁸ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

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¹³⁰ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹³¹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 10, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>; Nat'l Immigr. L. Ctr., *Table: Medical Assistance Programs for Immigrants in Various States* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS, 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; Kynect Benefits, *Kentucky Medicaid and KCHIP: Kentucky Medicaid Requirements* (last visited April 8, 2024), https://www.kynect.ky.gov/benefits/s/medicaid-kchip-program?language=en_us; Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf>.

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¹³² Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹³³ 8 U.S.C. § 1641(b)(1). NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹³⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

¹³⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹³⁶ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹³⁷ Ctr. For Medicare & Medicaid Serv., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹³⁸ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹³⁹ U visa bona fide determinations come with deferred action which is protection from deportation and which makes U visa applicants eligible for health care as lawfully residing immigrant. 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-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

¹⁴⁰ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 10, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>; Nat'l Immigr. L. Ctr., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS*, 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-immis-in-states-Jan_2024.pdf; Kynect Benefits, *Kentucky Medicaid and KCHIP: Kentucky Medicaid Requirements* (last visited April 8, 2024), https://www.kynect.ky.gov/benefits/s/medicaid-kchip-program?language=en_us; Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf>. See 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://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

¹⁴¹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁴² NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴³ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

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[survivors-factsheet/](#) (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁴⁶ Footnotes in this section contain additional details on health care subsidies including co-pays that may be required. They contain further state by state information on health care access for immigrant survivors of domestic and sexual violence. See MORGAN, LEWIS & BOCKIUS, LLP *Chapter 17.1: Emergency Medicaid – Urgent Medical Services for Immigrant Crime Victims and Children*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (December 2016), <http://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>; see *id.* *Chapter 17.2: Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (February 12, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims>; see *id.* *Chapter 17.3: Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence* (June 13, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation>; see *id.* *Chapter 17.4: Pre-Natal and Child Health Care For Immigrant Victims and Their Children* (February 17, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-4-prenatal-care>.

¹⁴⁷ 42 C.R.F. § 435.406(2)(i); 8 U.S.C. § 1641(c); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴⁸ Health Case.gov, *Immigrants, Coverage for U.S. Citizens and U.S. Nationals* (last visited November 29, 2023) <https://www.healthcare.gov/immigrants/immigration-status/>. NAT'L IMMIGR. L. CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c).

¹⁴⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁵⁰ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁵¹ Ctr. For Medicare & Medicaid Servs., *Kentucky State Plan Amendment #: 22-0002 Approval Letter 13*, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁵² 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), *CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM* (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁵³ See, ARK. DEP'T OF HUM. SERVICES, *TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN'S HEALTH INSURANCE PROGRAM*, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); See, NAT'L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imm-in-states.pdf>.

¹⁵⁴ Ctr. For Medicare & Medicaid Servs., *Kentucky State Plan Amendment #: 22-0002 Approval Letter 13*, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

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

¹⁵⁶ 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: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

¹⁵⁷ See 8 U.S.C. § 1641(c)(4).

¹⁵⁸ 42 C.F.R. § 435.4(2)(ii), (iv), and (v).

¹⁵⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁶⁰ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁶¹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁶² 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁶³ *See*, ARK. DEP'T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN'S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); *See*, NAT'L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immigrants-in-states.pdf>.

¹⁶⁴ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁶⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹⁶⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>. *See* 22 U.S.C. § 7105(b).

¹⁶⁷ 22 U.S.C. § 7105(b)(1). Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹⁶⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁶⁹ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁷⁰ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁷¹ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁷² *See*, ARK. DEP'T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN'S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); *See*, NAT'L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immigrants-in-states.pdf>.

¹⁷³ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁷⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁷⁵ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁷⁶ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁷⁷ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁷⁸ *See*, ARK. DEP'T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN'S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); *See*, NAT'L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immis-in-states.pdf>.

¹⁷⁹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁸⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸¹ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁸² NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1).

¹⁸³ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁸⁴ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁸⁵ *See*, ARK. DEP'T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN'S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); *See*, NAT'L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immis-in-states.pdf>.

¹⁸⁶ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁸⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸⁸ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*,

Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁸⁹ 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, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

¹⁹¹ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁹² 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁹³ U visa bona fide determinations come with deferred action which is protection from deportation and which makes U visa applicants eligible for health care as lawfully residing immigrant. 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-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

¹⁹⁴ See, ARK. DEP'T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN'S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); See, NAT'L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immis-in-states.pdf>.

¹⁹⁵ Ctr. For Medicare & Medicaid Servs., Kentucky State Plan Amendment #: 22-0002 Approval Letter 13, MEDICAID.GOV, (May 25, 2022) <https://www.medicaid.gov/sites/default/files/2022-05/KY-22-0002.pdf>.

¹⁹⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁷ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁹⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁹ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

²⁰⁰Victims of Crime Act (VOCA) compensation for crime victims is a program providing services necessary to protect health and safety of crime victims that helps victims heal and overcome the emotional and financial impact of crime victimization on their lives. VOCA compensation is separate from and does not fall within the definitions of "federal public benefit" or "state public benefit" under U.S. public benefits laws and thus is open to all crime victims without regard to immigration status. See, Joye E. Frost, Office for Victims of Crime, U.S. Department of Justice, Letter to Cassie T Jones Alabama Crime Victims' Compensation Commission (July 2, 2010) available at <https://niwaplibrary.wcl.american.edu/pubs/ojp-ovc-letter-on-access-to-voca-victim-compensation-7-2-2010/>; For an overview of what types of victim compensation are covered by VOCA compensation programs in each state see, Leslye Orloff, Katelyn Deibler and Annie Roebuck, *Post-Assault Healthcare and Victims of Crime Act Coverage for Domestic and Sexual Violence Victims* (July 18, 2018) available at: <https://niwaplibrary.wcl.american.edu/pubs/post-assault-coverage-chart>; and : Sarah Andrews, Vanessa Brown, Aurora de Heer, Joseph Leonard, Ryan Lighty, Katherine O'Keefe, Celia Soehner, William Springer, Josh Sterling, Linda Way-Smith, Beau Yanoshik, Morgan Lewis and Bockius, LLP and NIWAP, *Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence – Medical Coverage and Services for Immigrants* (July 13, 2018) available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation> (contains a more detailed discussion of VOCA compensation available in each state with links and citations).

²⁰¹ U.S. DEP'T OF LABOR, WAGE & HOUR DIVISION, *Family Medical Leave Act*, available at <https://www.dol.gov/agencies/whd/fmla> (last visited September 1, 2022) (Provides up-to-date guidance, fact sheets, forms, interpretive guidance, laws, regulations and training tools).

- ²⁰² See generally OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf> (The information in this section applies to all student financial aid including grants and loans.).
- ²⁰³ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>; Daniel T. Madzellan, OFFICE OF POST-SECONDARY EDUC., U.S. DEP'T OF EDUC., ELIGIBILITY FOR TITLE IV AID FOR "BATTERED IMMIGRANTS-QUALIFIED ALIENS" AS PROVIDED FOR IN THE VIOLENCE AGAINST WOMEN ACT (2007), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-memovawapetitionsgrantsloans-6-4-10/>. See 8 U.S.C. § 1641(c); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33, 1-34 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.
- ²⁰⁴ U.S. Department of Education, Federal Student Aid, 2022-2023 Federal Student Aid Handbook (March 28, 2021) <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2022-2023/vol1/ch2-us-citizenship-eligible-noncitizens> (Naturalized citizens are eligible for financial aid).
- ²⁰⁵ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-29 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.
- ²⁰⁶ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 22 U.S.C. § 7105(b); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.
- ²⁰⁷ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>.
- ²⁰⁸ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).
- ²⁰⁹ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).
- ²¹⁰ Plyler v. Doe 457 U.S. 202 (1982); U.S. DEPARTMENT OF EDUCATION, STUDENTS, IMMIGRATION STATUS, AND THE RIGHT TO PUBLIC EDUCATION (JUNE 20, 2021) <https://blog.ed.gov/2021/07/students-immigration-status-and-the-right-to-public-education/>.
- ²¹¹ U.S. Immigration and Customs Enforcement, Memo: Undocumented Students Authorized to Enroll in Post-Secondary Educational Institutions (July 24, 2008) <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-dhsundocstudentpost2ndeduaccess-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/eduaccessstoolkit/eduaccessstoolkit2/#maps>.
- ²¹² 13 Ky. Admin. Regs. § 2:045, See *Toolkit: Access to Postsecondary Education*, NAT'L IMMIGR. L. CTR. (Oct. 2017), <https://www.nilc.org/issues/education/eduaccessstoolkit2a/#tables>.
- ²¹³ 13 Ky. Admin. Regs. § 2:045.
- ²¹⁴ SOC. SECURITY ADMIN., UNDERSTANDING SUPPLEMENTAL SECURITY INCOME SSI ELIGIBILITY REQUIREMENTS – 2017 EDITION (2017), <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.).
- ²¹⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. §§ 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(c) (battered immigrant).
- ²¹⁶ See 8 U.S.C. § 1612(a)(2)(H).
- ²¹⁷ *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/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.
- ²¹⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. 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.).
- ²¹⁹ Social Security Administration, Understanding Supplemental Security Income SSI, Eligibility Requirements – 2023 Edition, Supplemental Security Income (SSI) Eligibility Requirements <https://www.ssa.gov/ssi/text-eligibility-ussi.htm> (last visited November 29, 2023).
- ²²⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. 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.
- ²²¹ See 22 U.S.C. § 7105(b).

²²² 22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. *See* 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran's family. *See* § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>.

²²³ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. *See* 8 U.S.C. §§ 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(c)(4) (trafficking victims).

²²⁴ *See* 8 U.S.C. § 1612(a)(2)(H).

²²⁵ *See* 8 U.S.C. § 1641(c)(4).

²²⁶ 22 U.S.C. § 7105(b); *See* NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>.

²²⁷ *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/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/QC.html>.

²²⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. *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.).

²²⁹ *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/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/QC.html>.

²³⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. *See* 8 U.S.C. §§ 1612(a)(2)(B) (LPR eligibility for SSI), 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(b)(1) (LPR qualified immigrant status).

²³¹ *See* 8 U.S.C. § 1612(a)(2)(H).

²³² *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/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/QC.html>.

²³³ *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/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/QC.html>.

²³⁴ NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, ACCEPTABLE FORMS OF DOCUMENTATION AND IDENTIFICATION FOR STATE DRIVER'S LICENSE/IDENTIFICATION CARD (SEPTEMBER 5, 2014) 1 (2014), <http://library.niwap.org/wp-content/uploads/2015/Drivers-License-Access.pdf>.

²³⁵ REAL ID Act of 2005, 49 U.S.C. § 30301 Note (2005). *See also* 6 C.F.R. § 37.11 (g) (2012); Joan Friedland, *Updates on REAL ID and Increased Information Sharing by Departments of Motor Vehicles*, NAT'L IMMIGR. L. CTR., (Jan. 8, 2018), <https://www.nilc.org/news/the-torch/1-04-18/>.

²³⁶ *See* 6 C.F.R. § 37.11(g)(1) (2012).

²³⁷ *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://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-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).

²³⁸ *See* 6 C.F.R. § 37.11(h) (2012); NAT'L IMMIGR. L. CTR., THE REAL ID ACT: QUESTIONS AND ANSWERS 8-9 (2016), <https://www.nilc.org/wp-content/uploads/2015/11/REAL-ID-Act-Q-and-A.pdf>.

²³⁹ Ky. Rev. Stat. Ann. § 186.412; *Non-U.S. Citizens*, DRIVE KY, <https://drive.ky.gov/driver-licensing/Pages/Non-US-Citizens.aspx#required-documentation> (last visited June 28, 2018).

²⁴⁰ Ky. Rev. Stat. Ann. § 186.412; *Non-U.S. Citizens*, DRIVE KY, <https://drive.ky.gov/driver-licensing/Pages/Non-US-Citizens.aspx#required-documentation> (last visited June 28, 2018).

²⁴¹ Ky. Rev. Stat. Ann. § 186.412; *Non-U.S. Citizens*, DRIVE KY, <https://drive.ky.gov/driver-licensing/Pages/Non-US-Citizens.aspx#required-documentation> (last visited June 28, 2018).

²⁴² NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, ACCEPTABLE FORMS OF DOCUMENTATION AND IDENTIFICATION FOR STATE DRIVER'S LICENSE/IDENTIFICATION CARD (SEPTEMBER 5, 2014) 1 (2014), <http://library.niwap.org/wp-content/uploads/2015/Drivers-License-Access.pdf>.

²⁴³ *Non-U.S. Citizens*, DRIVE KY, <https://drive.ky.gov/driver-licensing/Pages/Non-US-Citizens.aspx#required-documentation> (last visited June 28, 2018).

²⁴⁴ VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children

receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.

²⁴⁵ *Non-U.S. Citizens*, DRIVE KY, <https://drive.ky.gov/driver-licensing/Pages/Non-US-Citizens.aspx#required-documentation> (last visited June 28, 2018).

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²⁴⁷ U.S. Dep't of Justice, Dep't of Health & Human Servs. & Dep't of Hous. & Human Dev., Joint Letter on Immigrant Access to Shelter and Transitional Housing (Aug. 5, 2016), <http://niwaplibrary.wcl.american.edu/pubs/joint-letter-hud-hhs-ad-doj-immigrant-access-shelter-transitional-housing-aug-2016/> (stating that services must be in-kind, available regardless of income, and provided at the community level). See 8 U.S.C. § 1611(b)(1)(D).

²⁴⁸ CATHERINE LONGVILLE & LESLYE E. ORLOFF, PROGRAMS OPEN TO IMMIGRANT VICTIMS AND TO ALL IMMIGRANTS WITHOUT REGARD TO IMMIGRATION STATUS 1 (2014), <http://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants/>; *Three Federal Agencies Issue Joint Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), <http://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing/>.

²⁴⁹ 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).

²⁵⁰ See generally *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).

²⁵¹ For detailed information about Low Income Housing Tax Credit (LIHTC) funding housing eligibility and how to find LIHTC funded units in communities across the country see, VAWA Home: Rights for Survivors in LIHTC <https://www.vawahome.com/> (last visited February 10, 2022).

²⁵² HUD public and assisted housing refers to HUD assisted housing covered by Section 214 of the Housing and Community Development Act of 1980, 42 U.S.C. § 1436a. See *Housing Act, Section 2.14, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT*, <http://niwaplibrary.wcl.american.edu/pubs/housing-act-sec-214/> (last visited Mar. 9, 2018); 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/>; TONYA ROBINSON, ACTING GENERAL COUNSEL, C., U.S. DEP'T OF HOUS. & URBAN DEV., MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>; U.S. DEP'T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions for verifying battered immigrant eligibility for multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5 (Nov. 17, 1997)). See also 8 U.S.C. § 1641(c).

²⁵³ USDA RURAL HOUSING SERVICE, Interim Rule, *Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs*, 69 Fed. Reg. 69032 (Nov. 26, 2004) (to be codified at 7 C.F.R. pt. 1806, 1822, 1902, 1925 ("Appendix 2 to the HUD Handbook 4350.3 is incorporated into internal Agency procedures."); USDA RURAL HOUSING SERVICE, Interim Final Rule, *Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs*, 70 Fed. Reg. 8503 (Feb. 22, 2005) (to be codified at 7 C.F.R. 3560) (deciding "to delay implementation of the sections listed below in order to harmonize its procedures with HUD under 42 U.S.C. 1436a"); DEP'T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions on verifying battered immigrant eligibility for HUD multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5) (Nov. 17, 1997); 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/>; MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>. See also 8 U.S.C. § 1641(c).

²⁵⁴ See 42 U.S.C. § 1485.

²⁵⁵ *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). See 7 C.F.R. § 3560.11 (including immediate family member).

²⁵⁶ See 7 C.F.R. § 3560.158(d); USDA MFH ASSET MANAGEMENT HANDBOOK HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); *NHLP, Chart on Federally Assisted Housing and*

Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(c).

²⁵⁷ 42 U.S.C. § 1436a(a)(1).

²⁵⁸ See 42 U.S.C. § 1484(f)(3)(A), 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/ (“Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.”).

²⁵⁹ See 42 U.S.C. § 1490(a); *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/.

²⁶⁰ 24 C.F.R. § 5.506(a)(1).

²⁶¹ See 42 U.S.C. § 1484(f)(3)(A), 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/ (“Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.”).

²⁶² See 42 U.S.C. § 1490(a); *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/.

²⁶³ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation 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/>.

²⁶⁴ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

²⁶⁵ See 42 U.S.C. § 1485.

²⁶⁶ See 42 U.S.C. § 1490(a); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); *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/.

²⁶⁷ *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility* (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). See 7 C.F.R. § 3560.11 (including immediate family member).

²⁶⁸ See 7 C.F.R. § 3560.158(d); USDA MFH ASSET MANAGEMENT HANDBOOK HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility* (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

²⁶⁹ See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing).

²⁷⁰ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation 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 who could meet the eligibility requirements of the federal subsidies involved.

²⁷¹ 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))

²⁷² NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See also 22 U.S.C. 7105(b); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

²⁷³ See OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; 22 U.S.C. § 7105(b)(1)(B) (requirement to expand benefits and services); see also 22 U.S.C. 7105(b); 42 U.S.C. § 1485 (Section 515 Rural Housing); 42 U.S.C. § 1490(a) (Section 521 housing assistance); 42 U.S.C. § 1484(f)(3)(A), 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/.

²⁷⁴ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation 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.

²⁷⁵ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁷⁶ May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from other unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

²⁷⁷ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

²⁷⁸ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁷⁹ May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

²⁸⁰ See 8 U.S.C. § 1641(b)(1).

²⁸¹ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁸² See 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

²⁸³ See 8 U.S.C. § 1641(b)(1) (2012).

²⁸⁴ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation 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.

²⁸⁵ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁸⁶ May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

²⁸⁷ See 8 U.S.C. § 1641(b)(1).

²⁸⁸ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁸⁹ See 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

²⁹⁰ See 8 U.S.C. § 1641(b)(1) (2012).

²⁹¹ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation 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 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 U visa applicants approved will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

²⁹² See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁹³ May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

²⁹⁴ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency U visa applicants approved will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

²⁹⁵ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁹⁶ May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from unrestricted programs. See 7 C.F.R. § 3560.11 (2012).

²⁹⁷ See *Housing Credit Program*, HOUS. CORP., <http://www.kyhousing.org/Development/Multifamily/Pages/Housing-Credit-Program.aspx> (last visited June 28, 2018). The Kentucky Housing Corporation 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.

²⁹⁸ 26 U.S.C. § 24; U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 3 (2017).

²⁹⁹ 26 U.S.C. § 24(f); U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 2 (2017).

³⁰⁰ See <https://www.irs.gov/individuals/individual-taxpayer-identification-number> (IRS ITIN Information Page).

³⁰¹ 26 U.S.C.A § 21(b); U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 1, 3 (2017).

³⁰² U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 3 (2017).

³⁰³ U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 2 (2017).

³⁰⁴ U.S. DEP'T OF TREASURY, I.R.S., WHO QUALIFIES FOR THE EARNED INCOME TAX CREDIT (EITC) (Jul.10, 2023) <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/who-qualifies-for-the-earned-income-tax-credit-eitc>.

³⁰⁵ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³⁰⁶ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³⁰⁷ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³⁰⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³⁰⁹ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³¹⁰ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³¹¹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³¹² U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³¹³ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³¹⁴ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³¹⁵ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³¹⁶ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³¹⁷ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³¹⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³¹⁹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³²⁰ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³²¹ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³²² U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³²³ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³²⁴ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³²⁵ 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018).

³²⁶ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).

³²⁷ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³²⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³²⁹ *See* Benish Anver, Henrissa Basse & 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).

³³⁰ Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. *See* 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sept. 12, 2015), <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/>. *Compare* 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

³³¹ The abuse may have occurred either inside or outside of the U.S. See RONALD S. FLAGG, GENERAL COUNSEL & VICE PRESIDENT FOR LEGAL AFFAIRS, LEGAL SERVICES CORPORATION, PROGRAM LETTER 14-3: ASSESSING ELIGIBILITY OF ALIENS UNDER 45 C.F.R. § 1626.4(c)(1) (2014) (interpreting 45 C.F.R. § 1626.4(c)).

³³² 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 Immigr. L. matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³³³ 45 C.F.R. § 1626.5(a).

³³⁴ 45 C.F.R. § 1626.5(b).

³³⁵ Upon applying for 45 C.F.R. § 1626.5(b) or receiving lawful permanent residency 45 C.F.R. § 1626.5(a) victim switch eligibility tracks from anti-abuse (which includes a restriction that the legal assistance be related to the abuse 45 C.F.R. § 1626.4 to immigration related eligibility under for 45 C.F.R. § 1626.5 under which applicants are eligible of any legal assistance offered by the LSC funded agency. See Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³³⁶ 45 C.F.R. § 1626.5(a).

³³⁷ Legal Services Corporation, Can LSC Grantees Represent Undocumented Immigrants? <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/can-lsc-grantees-represent-undocumented> (last visited November 29, 2023) (LSC funded agencies can represent U.S. citizens which includes naturalized citizens).

³³⁸ OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, <https://www.justice.gov/ovw/page/file/1020436/download> (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters 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 Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁴⁰ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁴¹ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁴² See 45 C.F.R. § 1626.5(c).

³⁴³ 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).

³⁴⁴ See 45 C.F.R. § 1626.4(a)(2).

³⁴⁵ 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.”).

³⁴⁶ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁴⁷ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁴⁸ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁴⁹ See 45 C.F.R. § 1626.4(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1626.4(a)(2)(ii) (seeking certification); 45 C.F.R. § 1626.2(j) (“Victim of severe forms of trafficking” means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1626.4(c)(1) (stating that to qualify for legal assistance by an LSC funded agency, the victim must be present in the U.S. at the time of the application for legal assistance, 45 C.F.R. § 1626.4(c)(2)(ii), and the trafficking must have occurred in the U.S. or violated U.S. law).

³⁵⁰ 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).

³⁵¹ 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.”).

³⁵² Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁵³ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁵⁴ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁵⁵ 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)(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); 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).

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

³⁵⁷ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

³⁵⁸ 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 Immigr. L. matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (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-accesspubliclyfundedlsc/>.

³⁵⁹ 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

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³⁶⁰ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁶¹ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁶² See, e.g. Office on Violence Against Women, U.S. DEP’T of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017),

<https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁶³ 45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”). See 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).

³⁶⁴ 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.).

³⁶⁵ 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 Immigr. L. matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁶⁶ See 45 C.F.R. § 1626.5(a).

³⁶⁷ See 45 C.F.R. § 1626.5(b); 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/>.

³⁶⁸ 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.”).

³⁶⁹ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁷⁰ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁷¹ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017),

<https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

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

³⁷³ 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).

³⁷⁴ “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 Immigr. L. matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).” 45 C.F.R. 1626.4 (b); *see also* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁷⁵ *See* 45 C.F.R. § 1626.5(a).

³⁷⁶ *See* 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁷⁷ 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.”).

³⁷⁸ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁷⁹ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁸⁰ *See, e.g.*, Office on Violence Against Women, U.S. Dep’t of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017),

<https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁸¹ *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)(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).

³⁸² 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).

³⁸³ 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 Immigr. L. matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). *See also* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to

immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/>.

³⁸⁴ 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.").

³⁸⁵ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁸⁶ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁸⁷ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

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

³⁸⁹ See 45 C.F.R. § 1626.4(a)(1)(i) (victim); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(k) ("Victim of sexual assault or trafficking" means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of "trafficking" under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

³⁹⁰ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

³⁹¹ See also 45 C.F.R. 1626.4(b) ("Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include Immigr. L. 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 Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/>.

³⁹² 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.").

³⁹³ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁹⁴ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

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- ³⁹⁸ *Weatherization Assistance Eligibility*, KY HOUS. CORP., <http://www.kyhousing.org/Development/Single-Family/Pages/Weatherization-Assistance-Program-Eligibility.aspx> (last visited June 28, 2018).
- ³⁹⁹ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
- ⁴⁰⁰ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. §§ 1641(b)(2), (b)(3), (c)(4).
- ⁴⁰¹ *Weatherization Assistance Eligibility*, KY HOUS. CORP., <http://www.kyhousing.org/Development/Single-Family/Pages/Weatherization-Assistance-Program-Eligibility.aspx> (last visited June 28, 2018).
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- ⁴⁰⁴ *Weatherization Assistance Eligibility*, KY HOUS. CORP., <http://www.kyhousing.org/Development/Single-Family/Pages/Weatherization-Assistance-Program-Eligibility.aspx> (last visited June 28, 2018).
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- ⁴⁰⁹ *Weatherization Assistance Eligibility*, KY HOUS. CORP., <http://www.kyhousing.org/Development/Single-Family/Pages/Weatherization-Assistance-Program-Eligibility.aspx> (last visited June 28, 2018).
- ⁴¹⁰ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
- ⁴¹¹ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. § 1641(b)(1).
- ⁴¹² *Weatherization Assistance Eligibility*, KY HOUS. CORP., <http://www.kyhousing.org/Development/Single-Family/Pages/Weatherization-Assistance-Program-Eligibility.aspx> (last visited June 28, 2018).
- ⁴¹³ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
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- ⁴¹⁵ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
- ⁴¹⁶ *Weatherization Assistance Eligibility*, KY HOUS. CORP., <http://www.kyhousing.org/Development/Single-Family/Pages/Weatherization-Assistance-Program-Eligibility.aspx> (last visited June 28, 2018).

⁴¹⁷ 42 U.S.C. § 5121; *See* American Red Cross and the Nat'l Council of La Raza, and NAT'L Immigr. L. CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.

⁴¹⁸ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>.

⁴¹⁹ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>;

U.S. DEP'T AGRIC. FOOD & NUTRITION SERV., DISASTER SNAP GUIDANCE: POLICY GUIDANCE, LESSONS LEARNED, AND TOOLKITS TO OPERATE A SUCCESSFUL D-SNAP (2014), https://fns-prod.azureedge.net/sites/default/files/D-SNAP_handbook_0.pdf.

⁴²⁰ *See* American Red Cross and the Nat'l Council of La Raza, and NAT'L Immigr. L. CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.

⁴²¹ FEMA, You May Be Able to Get Disaster Assistance (February 21, 2023) https://www.fema.gov/sites/default/files/documents/fema_undocumented-immigrants-disaster-assistance_flyer_2023.pdf (listing naturalized citizens, lawful permanent residents, and certain battered non-citizens or their spouses or children which includes VAWA self-petitioners).

⁴²² NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), “qualified” immigrants must have employment authorization). *See* 8 U.S.C. § 1641(c).

⁴²³ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. *See* 8 U.S.C. § 1641(c).

⁴²⁴ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), “qualified” immigrants must have employment authorization). *See* 8 U.S.C. §§ 1641(b)(2)-(b)(3), (c)(4).

⁴²⁵ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. *See* 8 U.S.C. §§ 1641(b)(2)-(b)(3).

⁴²⁶ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. *See* 8 U.S.C. § 1641(c)(4).

⁴²⁷ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). *See* 22 U.S.C. §§ 7105(b).

⁴²⁸ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). *See* 22 U.S.C. §§ 7105(b).

⁴²⁹ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). *See* 8 U.S.C. § 1641(b)(1).

⁴³⁰ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. *See* 8 U.S.C. § 1641(b)(1).

⁴³¹ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). *See* 8 U.S.C. § 1641(b)(1).

⁴³² NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. *See* 8 U.S.C. § 1641(b)(1).

⁴³³ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). *See* 8 U.S.C. § 1641(b)(1).

⁴³⁴ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. *See* 8 U.S.C. § 1641(b)(1).

⁴³⁵ *See* FED. EMERGENCY MGMT. AGENCY, FEMA CITIZENSHIP/IMMIGRATION REQUIREMENTS (2015), <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159> (stating that undocumented individuals can apply on behalf of a minor US citizen child who has a social security card).

⁴³⁶ 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.

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

⁴³⁸ 8 U.S.C. § 1641(b)(3).

⁴³⁹ 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).

⁴⁴⁰ 8 U.S.C. § 1641(c)(4).

⁴⁴¹ 8 U.S.C. § 1641(c)(4).

⁴⁴² 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.”).

⁴⁴³ 8 U.S.C. § 1641(b)(1).

⁴⁴⁴ 8 U.S.C. § 1641(b)(1).

⁴⁴⁵ 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.”).

⁴⁴⁶ 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/> (“Under the current state and federal systems, undocumented workers are not eligible for unemployment benefits.”).