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

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

May 15, 2019 (Updated April 25, 2024)

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<th>VAWA Self-Petitioner(^3) and Battered Spouse Waiver(^2)</th>
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| TANF Cash Assistance)                                       | VAWA: Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996.\(^11\) (After the first 12 months may be subject to deeming).\(^13\) | Refugee/Asylee: Eligible for TANF regardless of date of entry.\(^17\) | 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. \(^23\) | Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.\(^24\) (may be subject to deeming).\(^25\) | Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996.\(^26\) (may be subject to deeming).\(^27\) | Not eligible. \(^29\)

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\(^a\) Federally funded public benefits are in non-italicized typeface and state-funded public benefits are italicized.

\(^b\) The chart shows eligibility based on immigration status. Applicants must also meet all other program eligibility requirements, such as income/resource limits. Children and other family members included in an individual’s immigration application receive the same access to public benefits as the applicant. When children qualify for federal or state public benefits, immigrant parents can file child-only benefits applications on their children’s behalf. Congress exempted from the public charge ground of inadmissibility immigrant victims applying for immigration relief and lawful permanent residency through the following immigration benefits programs: VAWA self-petitioning (as defined in footnote “d”), VAWA cancellation of removal, VAWA suspension of deportation, U visas, and T visas. For technical assistance on benefits access for immigrant survivors please contact the National Immigrant Women’s Advocacy Project, American University, Washington College of Law (202) 274-4457 or info@niwap.org. NIWAP would like to thank Michelle Aronowitz and Dean’s Fellows Alexandra Brown and Sandeep Purewal for their work in developing these state public benefits charts.

\(^c\) © National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2018. This publication was developed under grant number SJI-15-T-234 from the State Justice Institute. 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 No 15JOVW-21-GK-02208-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

\(^d\) See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parolees; 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).
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<td><strong>TANF</strong></td>
<td>Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996(^14) (may be subject to deeming)(^15)</td>
<td>eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.(^18)</td>
<td>determination (under 18).(^20) These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.(^21) 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.(^22)</td>
<td>At the state’s discretion, T visa holders or applicants eligible as qualified immigrants with prima facie (bona fide) determination, subject to five-year bar for those who entered on or after August 22, 1996.(^19)</td>
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<td><strong>Child Care</strong></td>
<td>Children with prima facie determination and child lawful permanent residence are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care.(^30)</td>
<td>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care.(^32)</td>
<td>Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or an HHS eligibility determination (under 18) are eligible for 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 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 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 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</td>
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<td>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.(^{31})</td>
<td>Trafficking and Violence Protection Act of 2000 to the same extent as refugees.(^{33}) Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care.(^{34}) They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.(^{35}) In Nebraska, refugees and trafficking victims are eligible for TANF-funded child care with no five-year bar.(^{39})</td>
<td>CCDF-funded child care and TANF-funded child care.(^{37}) Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination.(^{38}) In Nebraska, trafficking victims are eligible for TANF-funded child care with no five-year bar.(^{39})</td>
<td>standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.(^{41}) Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.(^{42}) Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.(^{43})</td>
<td>public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.(^{41}) Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.(^{42}) Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.(^{43})</td>
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<td>or private pre-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.(^{44})</td>
<td>including public or private pre-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})</td>
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<td>SNAP (Food Stamps)</td>
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<td>Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly (if lawfully residing in the U.S. on 8/22/1996, disabled, or if Lawful Permanent Resident with 40 quarters of work credit.(^{50})</td>
<td>Refugee/Asylee: Eligible with no additional conditions.(^{52})</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).(^{55})</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18,(^{59}) five years residency,(^{60}) 40 qualifying work quarters,(^{61}) or disabled.(^{62})</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18,(^{64}) five years residency,(^{65}) 40 qualifying work quarters,(^{66}) elderly,(^{67}) or disabled.(^{68})</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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<td>Naturalized citizens: Eligible without restrictions.(^{51})</td>
<td>T visa: 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).(^{53}) Also eligible under the Trafficking Victims Protection Act to the same extent as refugees.(^{54})</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.(^{56})</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.(^{57})</td>
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<td>VAWA Self-Petitioner(^2) and Batter Spouse Waiver(^2)</td>
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<td><strong>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</strong></td>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status.(^69) 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.(^70) 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).(^71) <em>In Nebraska, applicants should call a WIC clinic to make an appointment.</em>(^72) <em>In Nebraska, income eligibility requirements are based on household size.</em>(^73)</td>
<td>Eligible with VAWA prima facie determination(^24), as a lawful permanent resident,(^75) or naturalized citizen.(^76)</td>
<td>Refugee: Eligible.(^77) Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.(^78) T visa: Eligible with prima facie (bona fide) determination on T visa application.(^79)</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18).(^80) Family members with T visa status eligible without HHS certification or eligibility determination.(^81)</td>
<td>Not eligible.(^82)</td>
<td>Eligible upon filing SIJS application.(^84)</td>
<td>Eligible upon U visa, bona fide determination,(^85) or wait list approval.(^86)</td>
<td>Not eligible.(^87) Not eligible.(^88)</td>
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<td><strong>Child Health Insurance Program (CHIP)</strong>&lt;sup&gt;89&lt;/sup&gt;</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;90&lt;/sup&gt; Naturalized citizens eligible.&lt;sup&gt;91&lt;/sup&gt; Eligible for emergency Medicaid regardless of immigration or citizenship status.&lt;sup&gt;92&lt;/sup&gt; <em>In Nebraska, medical assistance available during the five year bar.</em></td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.&lt;sup&gt;95&lt;/sup&gt; T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.&lt;sup&gt;96&lt;/sup&gt;</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).&lt;sup&gt;100&lt;/sup&gt; Family members with T visa status are eligible without HHS Certification or eligibility determination.&lt;sup&gt;101&lt;/sup&gt; These human trafficking victims are eligible to the same extent as refugees and are eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;106&lt;/sup&gt; <em>In Nebraska, prenatal care available, regardless of immigration status.</em>&lt;sup&gt;106&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;105&lt;/sup&gt; <em>In Nebraska, prenatal care available, regardless of immigration status.</em>&lt;sup&gt;106&lt;/sup&gt;</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;107&lt;/sup&gt; <em>In Nebraska, medical assistance available during the five-year bar for legally present children (including SIJS applicants).</em>&lt;sup&gt;108&lt;/sup&gt; <em>In Nebraska, medical assistance available during the five-year bar for legally present children (including U visa holders and bona fide)</em>&lt;sup&gt;110&lt;/sup&gt; or wait-list approval.&lt;sup&gt;112&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;115&lt;/sup&gt; <em>In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status.</em>&lt;sup&gt;116&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status.&lt;sup&gt;117&lt;/sup&gt; <em>In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status.</em>&lt;sup&gt;118&lt;/sup&gt;</td>
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|      | for lawfully present children up to age 19 (including VAWA self-petitioning children and lawful permanent residents).\(^{93}\)  
In Nebraska, medical assistance available for qualified immigrant children (including refugee, asylee, and T visa applicant children with bona fide determinations).\(^{98}\)  
In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration or citizenship status.\(^{94}\) | exempt from five-year bar.\(^{102}\)  
In Nebraska, medical assistance available for legally present children (including trafficking victim children with HHS certification or eligibility letters who are to have the same access to benefits as refugees).\(^{103}\)  
In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status.\(^{99}\) | approved children).\(^{113}\)  
In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status.\(^{114}\) |   |   |   |   |   |
| Full-Scope Medicaid \(^{119}\) | 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 | Refugee/Asylee: Eligible, exempt from five-year bar.\(^{125}\)  
T visa: with HHS certification or eligibility determination, immediately eligible | Eligible for emergency Medicaid regardless of immigration status.\(^{137}\)  
In Nebraska, prenatal care | Eligible for emergency Medicaid regardless of immigration status.\(^{139}\)  
If entered prior to August 22, 1996, | Eligible for emergency Medicaid regardless of immigration status.\(^{143}\)  
In Nebraska, prenatal care | Eligible for emergency Medicaid regardless of immigration status.\(^{156}\)  
In Nebraska, prenatal care | |
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<td>eligibility determination (under 18). 131</td>
<td>These human trafficking victims are considered refugees and are exempt from five-year bar. 132</td>
<td>permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996. 140</td>
<td>eligible upon attaining lawful permanent residency. 144</td>
<td>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar. 145</td>
<td>and pregnancy related health care services available, regardless of immigration status. 151</td>
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<td>Naturalized citizens eligible. 121</td>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996. 127</td>
<td>Family members with T visa status eligible without HHS Certification or eligibility determination, exempt from five-year bar. 133</td>
<td>In Nebraska, full-scope medical assistance available for pregnant lawfully present immigrants (including SIJS applicants and recipients). 141</td>
<td>In Nebraska, full-scope medical assistance available for pregnant lawfully present immigrants (including U visa holders, and U visa applicants with bona fide determinations or waitlist approvals with deferred action). 146</td>
<td>In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status. 142</td>
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<td>Eligible for emergency Medicaid regardless of immigration status. 122</td>
<td>In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status. 123</td>
<td>In Nebraska, full-scope medical assistance available for qualified immigrants (including refugees, asylees, T visa holders, and T visa applicants with bona fide determinations). 128</td>
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<td>In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status. 124</td>
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In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status. 124
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<td>VAWAs with prima facie determinations and all lawful permanent residents eligible.(^155)</td>
<td>Refugee Medical Assistance is provided under §412(e) of the Refugee Act to refugees who are ineligible for the Medicaid program and provides for medical screenings.(^130)</td>
<td>benefits as refugees.(^135)</td>
<td>In Nebraska, prenatal care and pregnancy related health care services available, regardless of immigration status.(^136)</td>
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<td>Victims of Crime Act (VOCA) Compensation</td>
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<td>The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.(^152)</td>
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<td>Family Medical Leave Act – State Law</td>
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<td>Nebraska has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.(^153)</td>
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<td>Education-Federal Benefits: Federal Student Aid, Grants and Loans(^154)</td>
<td>VAWAs with prima facie determinations and all lawful permanent residents eligible.(^155)</td>
<td>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid.(^157)</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members</td>
<td>Not eligible for federal student aid.(^159)</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency.(^160)</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency.(^161)</td>
<td>Not eligible for federal student aid.</td>
<td>Not eligible for federal student aid.</td>
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<td>Education Federal Benefits</td>
<td>VAWA Self-Petitioner(^2) and Battered Spouse Waiver(^2)</td>
<td>Refugee,(^3) Asylee, T Visa(^4)/ Continued Presence(^8)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^7)</td>
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<td>Education State Law</td>
<td>All children, without regard to immigration status or citizenship are eligible to attend public elementary and secondary (K-12) schools. State schools may not request citizenship or immigration status information and may not bar students from enrolling in public elementary or secondary schools based on the citizenship or immigration status of the student, their parent, or their guardian. (^{162}) Eligible to apply for an enroll in state funded colleges and universities without regard to immigration status. (^{163})</td>
<td>with T visa status, are eligible for federal student aid.(^{158})</td>
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<td>Supplemental Security Income (SSI)(^{166})</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.(^{167}) May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^{168})</td>
<td>Refugees/Asylees: Eligible during first seven years after the status was granted.(^{172}) Trafficking victims: Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.(^{173}) T visa(^{174}): Eligible as a qualified immigrant with prima facie (bona fide) determination on T</td>
<td>Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees.(^{178})</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,(^{179}) subject to five-year bar, for those who arrived on or after August 22, 1996.(^{180})</td>
<td>Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work(^{181}) 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.(^{182}) Lawful permanent residents may also</td>
<td>Not eligible.(^{184}) Not eligible.(^{185})</td>
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<td>VAWA Self-Petitioner(^1) and Battered Spouse Waiver(^2)</td>
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<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,(^{169}) subject to five-year bar for those who arrived on or after August 22, 1996. (^{170}) Naturalized citizens eligible.(^{171})</td>
<td>Visa application if receiving SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.(^{175}) May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^{176}) This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.(^{177})</td>
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<td>be eligible if currently receiving SSI based on an application filed before 1979.(^{183})</td>
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<td>Under the REAL ID Act, evidence of “lawful status” is required for a driver’s license to be accepted by a federal agency for official purposes.(^{187}) The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.(^{188}) All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).(^{189}) DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.(^{190}) In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”(^{191})</td>
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**Driver’s License**\(^{186}\):  
Under the REAL ID Act, evidence of “lawful status” is required for a driver’s license to be accepted by a federal agency for official purposes.\(^{187}\) The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.\(^{188}\) All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).\(^{189}\) DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.\(^{190}\) In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”\(^{191}\)

In Nebraska, when applying for an operator’s license (Class O) or state identification card, the following documentation must be provided:\(^{192}\)  
- Proof of lawful status\(^{193}\) (including valid, unexpired I-94 in a valid foreign passport, valid, unexpired I-766 employment authorization card\(^{194}\))  
  - 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.\(^{195}\)  
- Two proofs of principal address in Nebraska  
- Proof of social security number \(^{196}\)  

| Not Eligible. | | | | | | | |
| Professional & Occupational Licenses | Nebraska issues professional and occupational licenses to immigrants who have unexpired work authorization documents.  

Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status and may not withhold those services based on immigration status. 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.  

The Nebraska Homeless Assistance Program (NHAP) is a grant program that includes funding from both the Nebraska Homeless Assistance Trust Fund and the Emergency Solutions Grant (ESG) from HUD. NHAP provides temporary and/or permanent housing for persons who are homeless. These programs are open to all persons without regard to immigration status and verification of lawful presence is not required for short-term shelter and other programs that are necessary for the protection of life or safety.  

| Housing, Health, and Other Services Necessary to Protect Life or Safety | Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility. USDA rental housing follows HUD procedures for processing VAWA self-petitions, so should be eligible for all USDA rental housing unless and until a final determination of eligibility for:  

- HUD public and assisted housing  
- USDA Section 515 Rural Rental Housing  
- USDA Section 521 Rural Rental Assistance  
- USDA Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible family.  

Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status (no need for HHS certification or eligibility determination), are eligible for:  

- HUD public and assisted housing  
- Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)  
- Eligible for Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.  

Upon receiving lawful permanent residency, eligible for HUD and USDA rental housing.  

Upon receiving lawful permanent residency, eligible for HUD and USDA rental housing.  

In Nebraska, may be eligible to live in Affordable Housing Tax Credit (LIHTC) Housing.  

Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)  

In Nebraska, may be eligible to live in Affordable Housing Tax Credit (LIHTC) Housing.
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<tr>
<th>Public and Assisted Housing and LIHTC</th>
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<td>determination of ineligibility. Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),(^{207}) and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.(^{208}) Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.(^{209}) Lawful permanent residents are eligible for public and assisted housing.(^{210}) USDA</td>
<td>domestic farm laborer. Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.(^{222}) In Nebraska, may be eligible to live in Affordable Housing Tax Credits property.(^{223})</td>
<td>and USDA rental housing.(^{226}) In Nebraska, may be eligible to live in Affordable Housing Tax Credits property.(^{227})</td>
<td>In Nebraska, may be eligible to live in Affordable Housing Tax Credits property.(^{230})</td>
<td>In Nebraska, may be eligible to live in Affordable Housing Tax Credits property.(^{237})</td>
<td>USDA(^{242}) rental housing.(^{243}) In Nebraska, may be eligible to live in Affordable Housing Tax Credits property.(^{244})</td>
<td>Credits property.(^{247})</td>
<td>Affordable Housing Tax Credits property.(^{250})</td>
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<td><strong>LIHTC</strong></td>
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<td><strong>Section 514/516</strong> Farm Lab or Housing;(^{211}) USDA Section 521 Rural Rental Assistance;(^{212}) <strong>Naturalized citizens are eligible for public and assisted housing;</strong>(^{213}) and for USDA Section 514/516 Farm Lab or Housing;(^{214}) USDA Section 521 Rural Rental Assistance.(^{215}) *In Nebraska, may be eligible to live in Affordable Housing Tax Credits property.(^{216})</td>
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| **Income Tax Credits** | Child Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes.\(^{251}\) A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).\(^{252}\) Immigrants eligible to receive social security numbers include 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.\(^{253}\) | | | | | | | |
| **Income Tax Credits** | Child and Dependent Care Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—  
- A dependent child under the age of 13,  
- A spouse who is unable to physically or mentally care for themselves, or  
- An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.\(^{254}\) The child or dependent must have a social security number or ITIN.\(^{255}\) Immigrants eligible to receive social security numbers include 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.\(^{256}\) | | | | | | | |
<table>
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<th>Income Tax Credit (EITC)</th>
<th>VAWA Self-Petitioner and Battered Spouse Waiver</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visa/ Continued Presence</th>
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<th>U Visa Applicants</th>
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<tr>
<td>Earned Income Tax Credit (EITC)</td>
<td>VAWA self-petitioners, lawful permanent residents, and naturalized citizens who have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC).</td>
<td>Recipients of T visa bona fide determinations or continued presence who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC).</td>
<td>DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC).</td>
<td>SIJS recipients granted lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC).</td>
<td>Once granted lawful permanent residency, 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, who have a social security number valid for work, and who are earning income are eligible for the earned income tax credit (EITC).</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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<p>| Legal Services | An immigrant who (or whose child) is battered or subjected to extreme cruelty, inside or outside of the United States, is eligible for legal assistance from Legal Services Corporation (LSC)-funded agency handles. | An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, and derivative family members with (or applying for) T visa status, are eligible for legal assistance. | A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, or is a victim of sexual assault. | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or sexual assault or trafficking in the U.S., on matters related to the abuse. | An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status is eligible for legal assistance. | An immigrant who has (or whose child is) battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking. | An immigrant who is a victim of sexual assault or trafficking. |</p>
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<td>funded agencies on matters related to the abuse.(^{281})</td>
<td>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,(^{282}) or spouses, parents, and unmarried children under age 21 of U.S. citizens(^{283}) become eligible for full representation on any matter upon filing an application for lawful permanent residency.(^{284})</td>
<td>An immigrant who has been (or whose child has been) a victim of trafficking in the U.S, including a T visa holder,(^{292}) is eligible for legal assistance on any matter the LSC-funded agency handles.(^{293}) Eligible for Office of Violence Against Women funded Legal Assistance(^{294}) for victims of domestic violence, sexual assault, stalking(^{295}) or dating violence.(^{296}) Must be at least 11 years old.(^{297})</td>
<td>Eligible for legal assistance on any matter the LSC-funded agency handles.(^{304}) Eligible for Office of Violence Against Women funded Legal Assistance(^{300}) for victims of domestic violence, sexual assault, stalking(^{301}) or dating violence.(^{302}) Must be at least 11 years old.(^{303})</td>
<td>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,(^{315}) or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.(^{316})</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance(^{317}) for victims of domestic violence, sexual assault, stalking(^{318}) or dating violence.(^{319}) Must be at least 11 years old.(^{320})</td>
<td>visa status(^{321}) is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies(^{331}) on matters related to the crime victimization.(^{332})</td>
<td>from Legal Services Corporation (LSC)-funded agencies(^{333}) for victims of domestic violence, sexual assault, stalking(^{334}) or dating violence.(^{335}) Must be at least 11 years old.(^{336})</td>
<td>in the U.S.,(^{338}) is eligible for legal services from LSC-funded agencies(^{339}) on matters related to the abuse.(^{340})</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance(^287) as a victim of domestic violence, sexual assault, stalking(^288) or dating violence.(^289) Must be at least 11 years old.(^290)</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^345) Refuges, 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.(^349)</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.(^351) 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</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.(^354) Nebraska’s Low Income Weatherization Assistance Program administers WAP.(^355)</td>
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<td>WAP and LIHEAP</td>
<td>naturalized citizenship.</td>
<td>single-family weatherization assistance.</td>
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<td>Federal Emergency Management Agency (FEMA) Assistance</td>
<td>Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.</td>
<td>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.</td>
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<td>Federal Emergency Management Agency (FEMA)-Restricted Programs</td>
<td>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship.</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18) or family members with T visa status (no need for HHS certification or Not eligible</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).</td>
<td>Not eligible.</td>
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<tr>
<td>Assistance (DUA).(^{372})</td>
<td>T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.(^{376})</td>
<td>eligibility determination).(^{377})</td>
<td>These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.(^{378})</td>
<td>bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.(^{380})</td>
<td>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.(^{382})</td>
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<tr>
<td>Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.(^{373})</td>
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| Unemployment Insurance\(^{386}\) | Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.\(^{387}\) | Refugee: Eligible for UI upon receipt of work authorization.\(^{388}\) Asylee: Eligible for UI upon receipt of work authorization.\(^{389}\) | Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization.\(^{391}\) | Eligible for UI upon receipt of work authorization.\(^{392}\) | Eligible for UI upon receipt of work authorization.\(^{393}\) | Eligible for UI upon receipt of work authorization.\(^{394}\) | Not eligible.\(^{395}\) | Not eligible.\(^{396}\) |
Deferred VAWA Self-Refugee, Asylee, T Visa (Continued Action for Special Immigrant Visa, bonafide, or wait list approval. U Visa Applicants

<table>
<thead>
<tr>
<th>Unemployment Insurance</th>
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<td>T Visa: Eligible for UI upon receipt of work authorization.</td>
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</table>

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). Batteried Spouse Waiver (BSW) applicants/recipients have the same eligibility for public benefits purposes as VAWA self-petitioners. BWS victims are eligible either as conditional permanent residents if they still have that status and/or are or continue to be eligible once they file their battered spouse waiver application. Batteried spouse waiver applicants have greater benefits access than conditional and lawful permanent residents because they have access to exemptions from deeming and have access to benefits that are only available to battered immigrants.

2 Batteried 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.


4 See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a “prima facie” (bona fide case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).


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

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

9 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://niwlibrary.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
State benefits agencies are only allowed to ask for immigration status and social security number information for the family members who is the applicant for the benefit. See Nat’l Immigration Law Ctr., Privacy Protections in Selected Federal Benefits Programs (Feb. 21, 2018) https://www.nilc.org/wp-content/uploads/2018/03/privacy-protctions-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.

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.


17 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 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_ovrwFedprogs/. 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/ofs/resource/policy/pi-ofa/2003/pi2003-2htm-0.
27 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)).


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). 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.azurewebsites.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).

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). (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.).


66 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.).


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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 Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

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


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 Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

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 file for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


Table 1: Overview of Immigrant Eligibility for Federal Programs in


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


190 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-hhs-lawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/ (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver’s licenses without waiting for work authorization. This may be an area for advocacy in individual cases).


194 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.

195 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.


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_Eligiblity_Determination_and_Denial_of_Assistance.pdf (last visited August 27, 2022) (However in Guam, such immigrants are not entitled to a preference in receiving housing assistance over a U.S. citizen or national resident who is otherwise eligible for such assistance).


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


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

American University, Washington College of Law


213 24 C.F.R. § 5.506(a)(1).


See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do 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/.

216 See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do 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 refugees, asylees and T-visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, 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/.


221 See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do 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 refugees, asylees and T-visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, 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/.

222 See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do 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 refugees, asylees and T-visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, 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/.

223 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/.

224 See 7 C.F.R. § 3560.11 (including immediate family member).

225 See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do 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 refugees, asylees and T-visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, 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/.

226 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)).

227 See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do 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 refugees, asylees and T-visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. See, 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/.


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

See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, T visa applicants with a bona fide determination and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, T visa applicants with a bona fide determination and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including SIJS applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa wait list approved applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency applicants approved for the U visa wait list will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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

See Program Description, NEB. INV. FIN. AUTH., https://www.nifa.org/res-dev (last visited Apr. 4, 2022). The Nebraska Investment Finance Authority allocates the federal Low Income Housing Tax Credits. Nebraska Affordable Housing Tax Credits do not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency, U visa applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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).

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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, Brittany Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

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


45 C.F.R. § 1626.5(a).

45 C.F.R. § 1626.5(b).


287 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.”).


291 See 45 C.F.R. § 1626.5(c).

292 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).

293 See 45 C.F.R. § 1626.4(a)(2).

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


298 See 45 C.F.R. § 1626.4(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1626.4(a)(2)(ii) (seeking certification); 45 C.F.R. § 1626.2(j) (“Victim of severe forms of trafficking” means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1626.4(c)(1) (stating that to qualify for legal assistance by an LSC funded agency, the victim must be present in the U.S. at the time of the application for legal assistance, 45 C.F.R. § 1626.4(c)(2)(ii), and the trafficking must have occurred in the U.S. or violated U.S. law).
See 45 C.F.R. § 1626.4(a)(2)(i)(B) (visa holder); 45 C.F.R. § 1626.4(a)(2)(ii) (visa applicant); 45 C.F.R. § 1626.4(c) (stating that eligibility for legal assistance under these provisions does not require HHS certification, 45 C.F.R. § 1626.4(a)(2)(ii), although the trafficking must either have occurred in the U.S. or violated U.S. law).

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


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

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

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

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

Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patents, child custody, 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-accesspubliclyfundedcls/.

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.”).  


312 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, Brittney 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).  

313 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.).  

314 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (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/.  

315 See 45 C.F.R. § 1626.5(a).  


317 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 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.”).


321 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; 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).

322 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).

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

324 See 45 C.F.R. § 1626.5(a).


326 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.”).


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

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

333 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.”).


337 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse, or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.” See Lesly E. Orloff, 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/.

338 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.).

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

340 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 escape of the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”); Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstoneJan-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/.

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


See 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)).


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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.


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.”).
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.”).