

## Access to State-Funded<sup>a</sup> Public Benefits in New Mexico for Survivors,

Based on Immigration Status<sup>b</sup>

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	VAWA Self-Petitioner <sup>c</sup>	Refugee, Asylee, T Visa <sup>1</sup>	T Visa <sup>2</sup> / Continued Presence <sup>3</sup>	Deferred Action for Childhood Arrivals (DACA) <sup>4</sup>	Special Immigrant Juvenile Status (SIJS) <sup>5</sup>	U Visa (Upon wait list approval) <sup>6</sup>	U Visa Applicants	Undocumented
	Qualified Immigrant <sup>7</sup>		HHS Certification	Lawfully Present			Limited Benefits Eligibility	
<b>TANF</b>	<p>Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996.<sup>8</sup></p> <p><i>In New Mexico, eligible during the five-year waiting period (may be subject to deeming).<sup>9</sup></i></p>	<p><u>Refugee/Asylee</u>: Eligible, exempt from five-year bar.<sup>10</sup></p> <p><u>T visa</u>: Eligible with prima facie (bona fide) determination on T visa application which includes HHS Certification.<sup>11</sup></p>	<p>With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible, exempt from five-year bar.<sup>12</sup></p> <p>Derivate family members with T nonimmigrant visa status eligible without HHS Certification,</p>	Not eligible. <sup>14</sup>	<p>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996<sup>15</sup> and <i>in New Mexico, eligible after receiving lawful permanent residency during the five-year waiting period (may be subject to deeming).<sup>16</sup></i></p>	<p>Eligible after receiving lawful permanency, subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming)<sup>17</sup> and <i>in New Mexico, eligible after receiving lawful permanent residency during the five-year waiting period (may be subject to deeming).<sup>18</sup></i></p>	Not eligible. <sup>19</sup>	Not eligible. <sup>20</sup>

<sup>a</sup> Federally funded public benefits are in non-italicized typeface and *state-funded public benefits are italicized*.

<sup>b</sup> 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. 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](mailto:info@niwap.org).

<sup>c</sup> 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).

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TANF			exempt from five-year bar. <sup>13</sup>					
Child care	<p>Children with prima facie determination eligible for:</p> <p>Child Care Development Fund (CCDF)-funded child care;<sup>21</sup> and TANF-funded childcare subject to five-year bar (TANF only).<sup>22</sup></p> <p><i>In New Mexico, eligible for TANF-funded child care with no five-year bar.<sup>23</sup></i></p>	<p><u>Refugee/Asylee:</u> Children eligible for: CCDF-funded child care; and TANF-funded child care (exempt from TANF five-year bar).<sup>24</sup></p> <p><u>T visa:</u> with prima facie (bona fide) determination on T visa application, children eligible for: CCDF-funded child care; and TANF-funded childcare (exempt from TANF five-year bar).<sup>25</sup></p> <p><i>In New Mexico, eligible for TANF-funded child care with no five-year bar.<sup>26</sup></i></p>	<p>With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible for: CCDF-funded child care; and TANF-funded child care (exempt from TANF five-year bar).<sup>27</sup></p> <p>Derivate family members with T nonimmigrant visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination and exempt from TANF five-year bar.<sup>28</sup></p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Child care is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.<sup>29</sup></p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.<sup>30</sup></p> <p>Upon receiving lawful permanent residency, eligible for CCDF-funded child care; and, <i>in New Mexico, eligible for TANF-funded child care</i></p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.<sup>32</sup></p> <p>Upon receiving lawful permanent residency, eligible for CCDF-funded child care; and, <i>in New Mexico, eligible for TANF-funded child care</i></p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Child care is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.<sup>34</sup></p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Child care is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.<sup>35</sup></p>

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<b>Child Care</b>					<i>with no five-year bar.<sup>31</sup></i>	<i>with no five-year bar.<sup>33</sup></i>		
<b>SNAP (Food Stamps)<sup>36</sup></b>	Eligible with prima facie determination, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled. <sup>37</sup>	<u>Refugee/Asylee:</u> Eligible with no additional conditions. <sup>38</sup>  <u>T visa:</u> Eligible with prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled). <sup>39</sup>	With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible with no additional conditions. <sup>40</sup>  Derivate family members with T nonimmigrant visa status eligible without HHS Certification, no additional conditions. <sup>41</sup>	Not eligible.	Eligible upon receiving lawful permanent residency, subject to an additional condition, <sup>42</sup> e.g.: under 18, <sup>43</sup> five years residency, <sup>44</sup> 40 qualifying work quarters, <sup>45</sup> or disabled. <sup>46</sup>	Eligible upon receiving lawful permanent residency, subject to an additional condition, <sup>47</sup> e.g.: under 18, <sup>48</sup> five years residency, <sup>49</sup> 40 qualifying work quarters, <sup>50</sup> elderly, <sup>51</sup> or disabled. <sup>52</sup>	Not eligible.	Not eligible.
<b>Purchase Health Insurance on Exchanges<sup>d</sup></b>	Eligible with prima facie determination. <sup>53</sup>	<u>Refugee:</u> Eligible. <sup>54</sup>  <u>Asylee:</u> Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application	With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible. <sup>57</sup>  Derivate family members with T	Not eligible. <sup>59</sup>	Eligible upon filing SIJS application. <sup>60</sup>	Eligible upon U visa wait list approval. <sup>61</sup>	Not eligible. <sup>62</sup>	Not eligible. <sup>63</sup>

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

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		pending at least 180 days. <sup>55</sup>  <u>T visa</u> : Eligible with prima facie (bona fide) determination on T visa application. <sup>56</sup>	nonimmigrant visa status eligible without HHS Certification. <sup>58</sup>					
<b>Child Health Insurance Program (CHIP)<sup>64</sup></b>	Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996. <sup>65</sup>  <i>In New Mexico, medical assistance available for legally present children and pregnant women and for VAWA self-petitioners with prima facie determinations<sup>66</sup></i>	<u>Refugee/Asylee</u> : Eligible, exempt from five-year bar. <sup>67</sup>  <u>T visa</u> : Eligible with prima facie (bona fide) determination on T visa application, exempt from five-year bar. <sup>68</sup>  <i>In New Mexico, medical assistance available for legally present children and pregnant women.<sup>69</sup></i>	With HHS certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients eligible, exempt from five-year bar. <sup>70</sup>  Derivate family members with T nonimmigrant visa status eligible without HHS Certification, exempt from five-year bar. <sup>71</sup>	Eligible for emergency Medicaid regardless of immigration status. <sup>72</sup>	Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996, <sup>73</sup> and in <i>New Mexico, medical assistance available for legally present children and pregnant women.<sup>74</sup></i>	Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 <sup>75</sup> and <i>in New Mexico medical assistance is available for legally present children and pregnant women.<sup>76</sup></i>	Eligible for emergency Medicaid regardless of immigration status. <sup>77</sup>	Eligible for emergency Medicaid regardless of immigration status. <sup>78</sup>
<b>Full-Scope Medicaid<sup>79</sup></b>	Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996. <sup>80</sup>	<u>Refugee/Asylee</u> : Eligible, exempt from five-year bar. <sup>82</sup>  <u>T visa</u> : Eligible with prima facie (bona fide)	With HHS Certification, prima facie (bona fide) determination on T visa application, or Continued Presence recipients	Eligible for emergency Medicaid regardless of immigration status. <sup>87</sup>	Eligible for emergency Medicaid regardless of immigration status. <sup>88</sup>	Eligible for emergency Medicaid regardless of immigration status. <sup>91</sup>	Eligible for emergency Medicaid regardless of immigration status. <sup>94</sup>	Eligible for emergency Medicaid regardless of immigration status. <sup>95</sup>

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<b>Full-Scope Medicaid</b>	<i>In New Mexico, medical assistance available for legally present pregnant women and for VAWA self-petitioners with prima facie determinations<sup>81</sup></i>	determination on T visa application, subject to five-year bar for those who arrived on or after August 22, 1996. <sup>83</sup>  <i>In New Mexico, medical assistance available for legally present children and pregnant women.<sup>84</sup></i>	eligible, exempt from five-year bar. <sup>85</sup>  Derivate family members with T nonimmigrant visa status eligible without HHS Certification, exempt from five-year bar. <sup>86</sup>		Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 <sup>89</sup> and <i>in New Mexico medical assistance available for legally present pregnant women.<sup>90</sup></i>	Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 <sup>92</sup> and <i>in New Mexico medical assistance available for legally present pregnant women.<sup>93</sup></i>		
<b>Education-Federal Benefits: Federal Student Aid, Grants and Loans<sup>96</sup></b>	With a prima facie determination, eligible <sup>97</sup>	Refugees, Asylees, and T visa holders or T visa applicants with an HHS certification or eligibility letter eligible for federal student aid. <sup>98</sup>	With HHS Certification, Prima facie (bona fide) determination on T visa application, or Continued Presence recipients with HHS certification, and derivate family members with T nonimmigrant visa status, are eligible for federal student aid. <sup>99</sup>	Not eligible for federal student aid. <sup>100</sup>	Eligible for federal student aid upon receipt of lawful permanent residency. <sup>101</sup>	Eligible for federal student aid upon receipt of lawful permanent residency. <sup>102</sup>	Not eligible for federal student aid.	Not eligible for federal student aid.
<b>Education-State Law</b>	<i>Post-secondary educational institutions cannot deny admission based on immigration status. Tuition rates or state-funded financial aid must be granted at the same rate regardless of immigration status, as long as the applicant has attended a secondary educational institution in New Mexico for at least one year and who has either graduated from a New Mexico high school or received a general educational development certificate in New Mexico.<sup>103</sup></i>							
<b>Supplemental Security Income (SSI)<sup>104</sup></b>	Eligible with prima facie determination and lawfully	<u>Refugees/Asylees:</u> Eligible during first seven years	Bona fide T visa applicants and Continued Presence recipients with HHS	Not eligible.	Eligible upon receiving lawful permanent residency and completing 40	Eligible upon receiving lawful permanent residency and	Eligible only if receiving SSI or application pending on August 22, 1996. <sup>112</sup>	Eligible only if receiving SSI or application pending on August 22, 1996. <sup>113</sup>

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<b>SSI</b>	residing in the U.S. on August 22, 1996, and either receiving SSI as of that date or blind or disabled. <sup>105</sup>	after the status was granted.  <u>T visa</u> : Eligible with prima facie (bona fide) determination on a T visa application and lawfully residing in the U.S. on August 22, 1996, and either receiving SSI as of that date or are blind or disabled. <sup>106</sup>	certification or an eligibility letter and derivate family members with T nonimmigrant visa status (no need for HHS certification), eligible during the first seven years after status was granted. <sup>107</sup>		quarters of work credit, subject to five-year bar for those who arrived on or after August 22, 1996. <sup>108</sup> Those who arrived before August 22, 1996, may be subject to deeming. <sup>109</sup>	completing 40 quarters of work credit, subject to five-year bar for those who arrived on or after August 22, 1996. <sup>110</sup> Those who arrived before August 22, 1996, may be subject to deeming. <sup>111</sup>		
<b>Driver's License</b>	<p>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.<sup>114</sup> The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status;<sup>115</sup> DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.<sup>116</sup> In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”<sup>117</sup></p> <p><i>In New Mexico can show “lawful status” are eligible for a Real ID driver’s license. Immigrants who have cases filed with the Department of Homeland Security (DHS) and who are considered “lawfully residing” by HHS for health care purposes with advocacy should be able to establish “lawful status” under New Mexico’s driver’s license laws to receive a REAL ID federally recognized driver’s license. The following immigrants are considered “lawfully residing” by HHS:<sup>118</sup> VAWA self-petitioners with prima facie determinations, T visa applicants with bona fide determinations and HHS certification, Continued Presence trafficking victims with HHS certifications, waitlist approved U visa applicants, and SIJS applicants.</i></p> <p><i>Any immigrant with an lawful work authorization document from DHS will be eligible for a federally recognized driver’s license. Immigrant victims receive legal work authorization at the following points in time: VAWA self-petitioners: 3 months (when the abuser is a USC); ~ 8 months (upon approval of the VAWA self-petition when the abuser is an lawful permanent resident); T visa applicants with bona fide determinations and HHS certification; Continued Presence trafficking victims with HHS certifications; waitlist approved U visa applicants and SIJS applicants granted lawful permanent residency; and DACA upon approval.</i></p>						<p><i>Immigrants in who are not eligible for a federally recognized driver’s license. Are eligible to apply for a New Mexico <sup>119</sup> Driving Authorization Card (non-federally recognized for ID) if the immigrant does not have proof of lawful status.<sup>120</sup></i></p> <p><i>Eligible to apply for a New Mexico Driving Authorization Card (non-federally recognized for ID) if no proof of lawful status.<sup>121</sup></i></p>	
<b>Housing and Other Services Necessary</b>	<p>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.<sup>122</sup> Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other</p>							

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<b>to Protect Life or Safety</b>	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. <sup>123</sup>							
<b>Public and Assisted Housing<sup>124</sup></b>	<p>Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility.<sup>125</sup></p> <p>USDA rental housing follows HUD procedures for processing VAWA self-petitions.<sup>126</sup></p> <p>USDA Section 515 Rural Rental Housing;<sup>127</sup></p> <p>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing;<sup>128</sup></p> <p>USDA Section 521 Rural Rental Assistance.<sup>129</sup></p>	<p><u>Refugee/Asylee, or T visa holder or applicant</u> with prima facie (bona fide) determination, eligible for:</p> <p>HUD public and assisted housing;<sup>130</sup></p> <p>USDA Section 515 Rural Rental Housing;<sup>131</sup></p> <p>USDA Section 521 Rural Rental Assistance.<sup>132</sup></p> <p>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.<sup>133</sup></p>	<p>Eligible with prima facie (bona fide) determination on T visa application, or Continued Presence recipient with HHS Certification, and derivative family member in T nonimmigrant visa status, eligible for:</p> <p>HUD public and assisted housing<sup>134</sup> and USDA rental housing.<sup>135</sup></p> <p>USDA Section 515 Rural Rental Housing;<sup>136</sup></p> <p>USDA Section 521 Rural Rental Assistance.<sup>137</sup></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),<sup>138</sup> and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.<sup>139</sup></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),<sup>140</sup> and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.<sup>141</sup></p> <p>Upon receiving lawful permanent residency, eligible for HUD<sup>142</sup> and USDA<sup>143</sup> rental housing.<sup>144</sup></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),<sup>145</sup> and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.<sup>146</sup></p> <p>Upon receiving lawful permanent residency, eligible for HUD<sup>147</sup> and USDA<sup>148</sup> rental housing.<sup>149</sup></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),<sup>150</sup> and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.<sup>151</sup></p> <p>Upon receiving lawful permanent residency, eligible for HUD<sup>152</sup> and USDA<sup>153</sup> rental housing.<sup>154</sup></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),<sup>155</sup> and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.<sup>156</sup></p>
<b>Legal Services<sup>157</sup></b>	An immigrant who (or whose child) is battered or subjected to extreme cruelty <sup>158</sup> inside or outside of the United	<u>Refugee/Asylee:</u> Refugees and Asylees are eligible for legal assistance on any matter the Legal Services	An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, <sup>175</sup> and derivative	A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, <sup>181</sup> or is a victim of	Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, <sup>189</sup> or sexual assault or	An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for primary	An immigrant who has (or whose child has) applied for, or qualifies to apply for, primary or derivative U visa status <sup>207</sup> is eligible	An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, <sup>214</sup> or is a victim of sexual assault or trafficking in the

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<b>Legal Services</b>	<p>States<sup>159</sup> is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.<sup>160</sup></p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,<sup>161</sup> or spouses, parents, and unmarried children under age 21 of U.S. citizens<sup>162</sup> become eligible for full representation on any matter upon filing an application for lawful permanent residency.<sup>163</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>164</sup> as a victim of domestic violence, sexual assault, stalking<sup>165</sup></p>	<p>Corporation (LSC)-funded agency handles.<sup>168</sup></p> <p><u>T visa:</u> An immigrant who has been (or whose child has been) a victim of trafficking in the U.S, including a T visa holder,<sup>169</sup> is eligible for legal assistance on any matter the LSC-funded agency handles.<sup>170</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>171</sup> for victims of domestic violence, sexual assault, stalking<sup>172</sup> or dating violence.<sup>173</sup> Must be at least 11 years old.<sup>174</sup></p>	<p>family members with (or applying for) T nonimmigrant visa status,<sup>176</sup> are eligible for legal assistance on any matter the LSC-funded agency handles.</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>177</sup> for victims of domestic violence, sexual assault, stalking<sup>178</sup> or dating violence.<sup>179</sup> Must be at least 11 years old.<sup>180</sup></p>	<p>sexual assault or trafficking in the U.S.,<sup>182</sup> is eligible for legal services from LSC-funded agencies<sup>183</sup> on matters related to the abuse.<sup>184</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>185</sup> for victims of domestic violence, sexual assault, stalking<sup>186</sup> or dating violence.<sup>187</sup> Must be at least 11 years old.<sup>188</sup></p>	<p>trafficking in the U.S.,<sup>190</sup> on matters related to the abuse.<sup>191</sup></p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,<sup>192</sup> or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.<sup>193</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>194</sup> for victims of domestic violence, sexual assault, stalking<sup>195</sup> or dating violence.<sup>196</sup> Must be at least 11 years old.<sup>197</sup></p>	<p>or derivative U visa status<sup>198</sup> is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies<sup>199</sup> on matters related to the crime victimization.<sup>200</sup></p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,<sup>201</sup> or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.<sup>202</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>203</sup> for victims of domestic violence, sexual assault, stalking<sup>204</sup> or dating violence.<sup>205</sup> Must be at least 11 years old.<sup>206</sup></p>	<p>for legal assistance from Legal Services Corporation (LSC)-funded agencies<sup>208</sup> on matters related to the crime victimization.<sup>209</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>210</sup> for victims of domestic violence, sexual assault, stalking<sup>211</sup> or dating violence.<sup>212</sup> Must be at least 11 years old.<sup>213</sup></p>	<p>U.S.,<sup>215</sup> is eligible for legal services from LSC-funded agencies<sup>216</sup> on matters related to the abuse.<sup>217</sup></p> <p>Eligible for Office of Violence Against Women funded Legal Assistance<sup>218</sup> for victims of domestic violence, sexual assault, stalking<sup>219</sup> or dating violence.<sup>220</sup> Must be at least 11 years old.<sup>221</sup></p>



	VAWA Self-Petitioner <sup>c</sup>	Refugee, Asylee, T Visa <sup>1</sup>	T Visa <sup>2</sup> / Continued Presence <sup>3</sup>	Deferred Action for Childhood Arrivals (DACA) <sup>4</sup>	Special Immigrant Juvenile Status (SIJS) <sup>5</sup>	U Visa (Upon wait list approval) <sup>6</sup>	U Visa Applicants	Undocumented
	or dating violence. <sup>166</sup> Must be at least 11 years old. <sup>167</sup>							
<b>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</b>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.<sup>222</sup></p> <p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of prima facie determination.<sup>223</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.<sup>224</sup></p> <p>Refugees, asylees, and T visa applicants with prima facie (bona fide) determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance.<sup>225</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.<sup>226</sup></p> <p>Eligible with prima facie (bona fide) determination on T visa application, or Continued Presence recipients with HHS Certification, and derivate family members with T nonimmigrant visa status, eligible for LIHEAP heating/cooling and single-family.<sup>227</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.<sup>228</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.<sup>229</sup></p> <p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.<sup>230</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.<sup>231</sup></p> <p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.<sup>232</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.<sup>233</sup></p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.<sup>234</sup></p>
<b>Federal Emergency Management Agency (FEMA) Assistance<sup>235</sup></b>	<p>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.<sup>236</sup></p> <p>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.<sup>237</sup></p>							

	VAWA Self-Petitioner <sup>c</sup>	Refugee, Asylee, T Visa <sup>1</sup>	T Visa <sup>2</sup> / Continued Presence <sup>3</sup>	Deferred Action for Childhood Arrivals (DACA) <sup>4</sup>	Special Immigrant Juvenile Status (SIJS) <sup>5</sup>	U Visa (Upon wait list approval) <sup>6</sup>	U Visa Applicants	Undocumented
<b>Federal Emergency Management Agency (FEMA)-Restricted Programs</b>	<p>Upon receipt of prima facie determination:</p> <p>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).<sup>238</sup></p> <p>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.<sup>239</sup></p>	<p>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to <u>Refugees, Asylees, T visa applicants</u> with prima facie (bona fide) determination.<sup>240</sup></p> <p>Emergency SNAP open to <u>Refugees/Asylees</u> (no five-year bar),<sup>241</sup> and <u>T visa applicants</u> 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.<sup>242</sup></p>	<p>Eligible with prima facie (bona fide) determination on T visa application, or Continued Presence recipients with HHS Certification, and derivate family members with T nonimmigrant visa status, eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.<sup>243</sup></p>	<p>Not eligible.</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).<sup>244</sup></p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.<sup>245</sup></p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).<sup>246</sup></p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.<sup>247</sup></p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).<sup>248</sup></p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.<sup>249</sup></p>	<p>Not eligible.<sup>250</sup></p>

<sup>1</sup> See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims/derivative beneficiaries with T nonimmigrant status or a pending T visa application setting forth a “prima facie” (bona facie) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).

<sup>2</sup> See 22 U.S.C. § 7105(b)(1) (Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and derivative family members with T nonimmigrant status are eligible for public benefits to the same extent as refugees.); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), <http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/>.

<sup>3</sup> See 22 U.S.C. § 7105(b)(1)(E)(i)(II)(bb) (Immigrants with HHS certification that their continued presence is needed to effectuate prosecution of human traffickers are eligible to receive public benefits to the same extent as refugees.); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>.

<sup>4</sup> 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.).

<sup>5</sup> 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.).

<sup>6</sup> See DEP’T OF HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES, AND OTHER GOVERNMENT AGENCIES 3 (2015), <http://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/> (U visas benefit victims of certain crimes who have suffered severe physical or emotional abuse. If certain conditions are met, a U visa holder may apply for adjustment to lawful permanent resident status.); See CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/> (Upon wait list approval, U visa applicants receive deferred action and are considered lawfully present.).

<sup>7</sup> 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), or paroled into the U.S. for at least one year; 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 derivative beneficiary who has been granted T nonimmigrant 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).

<sup>8</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(c).

<sup>9</sup> NAT’L IMMIGRATION LAW CTR., *Table 8: State Funded TANF Replacement Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 102-03 (4th ed. 2002, table updated Aug. 2016), [https://www.nilc.org/issues/economic-support/guide\\_tanf/](https://www.nilc.org/issues/economic-support/guide_tanf/).

<sup>10</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(2)-(3).

<sup>11</sup> 22 U.S.C. Section 7105(b)(1)(A); 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(c)(4).

<sup>12</sup> OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants under 18 require only HHS eligibility determination (not certification)).

<sup>13</sup> OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. Applicants under 18 require only HHS eligibility determination (not certification). See 22 U.S.C. § 7105(b).

<sup>14</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>15</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(1).

<sup>16</sup> NAT'L IMMIGRATION LAW CTR., *Table 8: State Funded TANF Replacement Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 102-03* (4th ed. 2002, table updated Aug. 2016), [https://www.nilc.org/issues/economic-support/guide\\_tanf/](https://www.nilc.org/issues/economic-support/guide_tanf/).

<sup>17</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(1).

<sup>18</sup> NAT'L IMMIGRATION LAW CTR., *Table 8: State Funded TANF Replacement Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 102-03* (4th ed. 2002, table updated Aug. 2016), [https://www.nilc.org/issues/economic-support/guide\\_tanf/](https://www.nilc.org/issues/economic-support/guide_tanf/).

<sup>19</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>20</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>21</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf). See 8 U.S.C. § 1641(c).

<sup>22</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf). See 8 U.S.C. § 1641(c).

<sup>23</sup> Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

<sup>24</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf). See 8 U.S.C. § 1641(b)(2)-(3).

<sup>25</sup> 22 U.S.C. Section 7105(b)(1)(A); NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf).

<sup>26</sup> Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

<sup>27</sup> OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf). See 22 U.S.C. § 7105(b).

<sup>28</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf); Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants under 18 require only HHS eligibility determination (not certification)).

<sup>29</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf).

<sup>30</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf).

<sup>31</sup> Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

<sup>32</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf).

<sup>33</sup> Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

<sup>34</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf).

<sup>35</sup> NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), [https://www.nilc.org/wp-content/uploads/2016/03/childcare\\_pp116-17\\_053106.pdf](https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf).

<sup>36</sup> See FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) (2017), <https://www.fns.usda.gov/snap/eligibility> (As with most public benefits, to obtain food stamps, individuals must also meet resource, income, and employment requirements. There is a pre-screening tool to determine if an individual might be eligible for nutrition assistance.).

<sup>37</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 18-21 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf). See 8 U.S.C. § 1641(c).

<sup>38</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 3 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf). See 8 U.S.C. § 1641(b)(2)-(3).

<sup>39</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 2 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf). See 8 U.S.C. § 1641(c)(4).

<sup>40</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 16-18 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf). See 22 U.S.C. § 7105(b).

<sup>41</sup> OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. Applicants under 18 require only HHS eligibility determination (not certification). See 22 U.S.C. § 7105(b).

<sup>42</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 5 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf).

<sup>43</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 5 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (Eligible children are exempt from sponsor deeming.).

<sup>44</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 11-13 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (Five-year residency includes time in qualified status prior to turning 18.).

<sup>45</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 14-15 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (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.).

<sup>46</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 6 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf).

<sup>47</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 5 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf).

<sup>48</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 5 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (Eligible children are exempt from sponsor deeming.).

<sup>49</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 11-13 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (Five-year residency includes time in qualified status prior to turning 18.).

<sup>50</sup> See U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 14-15 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (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.).

<sup>51</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 6 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf) (Born on or before August 22, 1931 and lawfully resided in the U.S. on August 22, 1996.).

<sup>52</sup> U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY 6 (2011), [https://www.fns.usda.gov/sites/default/files/Non-Citizen\\_Guidance\\_063011.pdf](https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf).

<sup>53</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c).

<sup>54</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 2 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(b)(2).

<sup>55</sup> Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>. See 8 U.S.C. § 1641(b)(3); 45 C.F.R. § 152.2(5) (2017) ("A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.").

<sup>56</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c)(4).

<sup>57</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 22 U.S.C. § 7105(b).

<sup>58</sup> OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants under 18 require only HHS eligibility determination (not certification)).

<sup>59</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 1, 1 n.4, 4-5 n.8 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf> (DACA recipients are the only deferred action recipients not eligible for insurance under the ACA.).

<sup>60</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>.

<sup>61</sup> Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>.

<sup>62</sup> Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMGR. WOMEN'S ADVOC. PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5-6 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>.

<sup>63</sup> NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 1 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf> (DACA coverage limited to those "lawfully present" in the United States).

<sup>64</sup> Details on health care subsidies included in footnotes.

<sup>65</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(c).

<sup>66</sup> Co-pays and premiums required for certain families on the basis of their income. NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

<sup>67</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(2)-(3).

<sup>68</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(2)-(3).

<sup>69</sup> Co-pays and premiums required for certain families on the basis of their income. NAT'L IMMIGRATION LAW CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

<sup>70</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 22 U.S.C. § 7105(b).

<sup>71</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants under 18 require only HHS eligibility determination (not certification).)

<sup>72</sup> NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 17, 17-20 (4th ed. 2002, table updated Oct. 2011), [https://www.nilc.org/issues/economic-support/table\\_ovrw\\_fedprogs/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>73</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(1).

<sup>74</sup> NAT'L IMMIGRATION LAW CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf> (Co-pays and premiums required for certain families on the basis of their income.).

<sup>75</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(1).

<sup>76</sup> NAT'L IMMIGRATION LAW CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf> (Co-pays and premiums required for certain families on the basis of their income.).

<sup>77</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>78</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).<sup>79</sup> Details on health care subsidies included in footnotes.

<sup>80</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(c).

<sup>81</sup> Co-pays and premiums required for certain families on the basis of their income. NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

<sup>82</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(2)-(3).

<sup>83</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(c)(4).

<sup>84</sup> Co-pays and premiums required for certain families on the basis of their income. NAT'L IMMIGRATION LAW CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

<sup>85</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 22 U.S.C. § 7105(b).

<sup>86</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. Applicants under 18 require only HHS eligibility determination (not certification). See 22 U.S.C. § 7105(b).

<sup>87</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>88</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>89</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(1).

<sup>90</sup> NAT'L IMMIGRATION LAW CTR., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf> (Co-pays and premiums required for certain families on the basis of their income.).

<sup>91</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>92</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. § 1641(b)(1).

<sup>93</sup> NAT'L IMMIGRATION LAW CTR., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf> (Co-pays and premiums required for certain families on the basis of their income.).

<sup>94</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>95</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>96</sup> See generally OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 (2016),

<https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf> (The information in this section applies to all student financial aid including grants and loans.).

<sup>97</sup> OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018),

<https://studentaid.ed.gov/sa/eligibility/non-us-citizens>; Daniel T. Madzellan, OFFICE OF POST-SECONDARY EDUC., U.S. DEP'T OF EDUC., ELIGIBILITY FOR TITLE IV AID FOR "BATTERED IMMIGRANTS-QUALIFIED ALIENS" AS PROVIDED FOR IN THE VIOLENCE AGAINST WOMEN ACT (2007), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-memovawapetitionsgrantsloans-6-4-10/>. See 8 U.S.C. § 1641(c); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33, 1-34 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

<sup>98</sup> OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018),

<https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

<sup>99</sup> OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018),

<https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 22 U.S.C. § 7105(b); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

<sup>100</sup> OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018),

<https://studentaid.ed.gov/sa/eligibility/non-us-citizens>.

<sup>101</sup> OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018),

<https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

<sup>102</sup> OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018),

<https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

<sup>103</sup> See NMSA 1978, § 21-1-582 (a)-(b); see also National Immigration Law Center, *New Mexico Legislature S.B. 582*, available at

<https://www.nmlegis.gov/Sessions/05%20Regular/final/SB0582.pdf>.

<sup>104</sup> SOC. SECURITY ADMIN., UNDERSTANDING SUPPLEMENTAL SECURITY INCOME SSI ELIGIBILITY REQUIREMENTS – 2017 EDITION (2017), <https://www.ssa.gov/ssi/text-eligibility-ussi.htm> (While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.).



<sup>105</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(c).

<sup>106</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(c)(4).

<sup>107</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 22 U.S.C. § 7105(b).

<sup>108</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(b)(1) (Due to the work requirement, few SIJS children will qualify, although work done by the applicant, parent or spouse counts toward the 40 quarters of work.).

<sup>109</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>110</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/); SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(b)(1).

<sup>111</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>112</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>113</sup> 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/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>114</sup> REAL ID Act of 2005, 49 U.S.C. § 30301 Note (2005). See also 6 C.F.R. § 37.11 (g) (2012); Joan Friedland, *Updates on REAL ID and Increased Information Sharing by Departments of Motor Vehicles*, NAT'L IMMIGRATION LAW CTR., (Jan. 8, 2018), <https://www.nilc.org/news/the-torch/1-04-18/>.

<sup>115</sup> See 6 C.F.R. § 37.11(g)(1) (2012).

<sup>116</sup> See 6 C.F.R. § 37.11(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 2 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/> (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver's licenses without waiting for work authorization. This may be an area for advocacy in individual cases).

<sup>117</sup> See 6 C.F.R. § 37.11(h) (2012); NAT'L IMMIGRATION LAW CTR., THE REAL ID ACT: QUESTIONS AND ANSWERS 8-9 (2016), <https://www.nilc.org/wp-content/uploads/2015/11/REAL-ID-Act-Q-and-A.pdf>.

<sup>118</sup> Center for Medicare and Medicaid Services, Medicaid and CHIP Coverage for "Lawfully Residing" Children and Pregnant Women (July 1, 2010) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

<sup>119</sup> National Immigrant Women's Advocacy Project, *Acceptable Forms of Documentation and Identification for State Drivers License/Identification Card* (Sept. 5, 2014), available at <http://niwaplibrary.wcl.american.edu/pubs/drivers-license-access/>.

<sup>120</sup> National Immigration Law Center, *State Laws Providing Access to Driver's Licenses or Cards Regardless of Immigration Status* (June 2016), available at <https://www.nilc.org/wp-content/uploads/2015/11/drivers-license-access-table.pdf>.

<sup>121</sup> National Immigration Law Center, *State Laws Providing Access to Driver's Licenses or Cards Regardless of Immigration Status* (June 2016), available at <https://www.nilc.org/wp-content/uploads/2015/11/drivers-license-access-table.pdf>.

<sup>122</sup> U.S. Dep't of Justice, Dep't of Health & Human Servs. & Dep't of Hous. & Human Dev., Joint Letter on Immigrant Access to Shelter and Transitional Housing (Aug. 5, 2016), <http://niwaplibrary.wcl.american.edu/pubs/joint-letter-hud-hhs-ad-doj-immigrant-access-shelter-transitional-housing-aug-2016/> (stating that services must be in-kind, available regardless of income, and provided at the community level). See 8 U.S.C. § 1611(b)(1)(D).

<sup>123</sup> CATHERINE LONGVILLE & LESLYE E. ORLOFF, PROGRAMS OPEN TO IMMIGRANT VICTIMS AND TO ALL IMMIGRANTS WITHOUT REGARD TO IMMIGRATION STATUS 1 (2014), <http://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants/>; *Three Federal Agencies Issue Joint Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), <http://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing/>.

<sup>124</sup> See generally *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), [www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/](http://www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/) (contains lists of housing programs that are unrestricted and lists of housing programs that various forms of immigration restrictions).

<sup>125</sup> HUD public and assisted housing refers to HUD assisted housing covered by Section 214 of the Housing and Community Development Act of 1980, Title 42 of the U.S. Code Section 1436a. See *Housing Act, Section 2.14, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT*, <http://niwaplibrary.wcl.american.edu/pubs/housing-act-sec-214/> (last visited Mar. 9, 2018); DEP'T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>; TONYA ROBINSON, ACTING GENERAL COUNSEL, C., U.S. DEP'T OF HOUS. & URBAN DEV., MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>; U.S. DEP'T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions for verifying battered immigrant eligibility for multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5 (Nov. 17, 1997)). See also 8 U.S.C. § 1641(c) (2012).

<sup>126</sup> Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs, 69 Fed. Reg. 69032 (Nov. 26, 2004) (to be codified at 7 C.F.R. pt. 1806, 1822, 1902, 1925 ("Appendix 2 to the HUD Handbook 4350.3 is incorporated into internal Agency procedures."); Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs, 70 Fed. Reg. 8503 (Feb. 22, 2005) (to be codified at 7 C.F.R. 3560) (deciding "to delay implementation of the sections listed below in order to harmonize its procedures with HUD under 42 U.S.C. 1436a"); DEP'T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions on verifying battered immigrant eligibility for HUD multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5) (Nov. 17, 1997); DEP'T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>; MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>. See also 8 U.S.C. § 1641(c).

<sup>127</sup> See 42 U.S.C. § 1485; see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012).

<sup>128</sup> *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/](http://www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/) ("Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident."). See 7 C.F.R. §§ 3560.11, 3560.152(a) (2004) (stating that tenants eligible for USDA-financed housing must be U.S. citizens or qualified immigrants, but its effective date is still pending); Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs, 70 Fed. Reg. 8503 (Feb. 22, 2005) (to be codified at 7 C.F.R. 3560).

<sup>129</sup> See 42 U.S.C. § 1490(a) (2011); 7 C.F.R. § 3560.158(d) (2011); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012) (explaining that unless attached to Rural Development Section 514/516 housing in which the lessee must be a U.S. citizen or lawful permanent resident. This requirement does not apply to household members.); *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/](http://www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/); 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).

<sup>130</sup> NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), [https://www.nilc.org/issues/economic-support/table\\_ovrw\\_fedprogs/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012).

<sup>131</sup> See 42 U.S.C. § 1485 (2011); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012).

<sup>132</sup> See 42 U.S.C. § 1490(a) (2011); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012) (explaining that unless attached to Rural Development Section 514/516 housing in which the lessee must be a U.S. citizen or lawful permanent resident. This requirement does not apply to household members.); *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/](http://www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/). See 7 C.F.R. § 3560.158(d) (2011); see also 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 be a U.S. citizen or qualified immigrant may remain in the housing after the original tenant has departed).

<sup>133</sup> *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/* (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). See 7 C.F.R. § 3560.11 (2012); 7 C.F.R. § 3560.152(a) (2007) (stating that tenants eligible for USDA-financed housing must be U.S. citizens or qualified immigrants, but its effective date is still pending); 70 Fed. Reg. 8503 (Feb. 22, 2005).

<sup>134</sup> NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), [https://www.nilc.org/issues/economic-support/table\\_ovrw\\_fedprogs/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/). See also 22 U.S.C. 7105(b) (2005) (Applicants under 18 require only HHS eligibility determination (not certification).); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

<sup>135</sup> See OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; 22 U.S.C. § 7105(b)(1)(B) (2005) (requirement to expand benefits and services).

<sup>136</sup> See 42 U.S.C. § 1485 (2011); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012).

<sup>137</sup> See 42 U.S.C. § 1490(a) (2011); 7 C.F.R. § 3560.158(d) (2011); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (2012) (explaining that unless attached to Rural Development Section 514/516 housing in which the lessee must be a U.S. citizen or lawful permanent resident. This requirement does not apply to household members.); *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/*; U.S. DEP’T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (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 be a U.S. citizen or qualified immigrant may remain in the housing after the original tenant has departed).

<sup>138</sup> See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/*.

<sup>139</sup> 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).

<sup>140</sup> See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/*.

<sup>141</sup> 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).

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

<sup>143</sup> See 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

<sup>144</sup> See 8 U.S.C. § 1641(b)(1) (2012).

<sup>145</sup> See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/*.

<sup>146</sup> 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).

<sup>147</sup> NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), [https://www.nilc.org/issues/economic-support/table\\_ovrw\\_fedprogs/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>148</sup> See 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

<sup>149</sup> See 8 U.S.C. § 1641(b)(1) (2012).

<sup>150</sup> See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/*.

<sup>151</sup> 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).

<sup>152</sup> NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), [https://www.nilc.org/issues/economic-support/table\\_ovrw\\_fedprogs/](https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/).

<sup>153</sup> See 42 U.S.C. § 1490a (2011) (Section 521 rental assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

<sup>154</sup> See 8 U.S.C. § 1641(b)(1) (2012).

<sup>155</sup> See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), [www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/](http://www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/).

<sup>156</sup> 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).

<sup>157</sup> See Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, [http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone\\_jan-apr-2015/](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).

<sup>158</sup> Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. See 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sept. 12, 2015), <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/>. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

<sup>159</sup> 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)).

<sup>160</sup> 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/](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/>.

<sup>161</sup> 45 C.F.R. § 1626.5(a).

<sup>162</sup> 45 C.F.R. § 1626.5(b).

<sup>163</sup> Upon applying for 45 C.F.R. § 1626.5(b) or receiving lawful permanent residency 45 C.F.R. § 1626.5(a) victim switch eligibility tracks from anti-abuse (which includes a restriction that the legal assistance be related to the abuse 45 C.F.R. § 1626.4 to immigration related eligibility under for 45 C.F.R. § 1626.5 under which applicants are eligible of any legal assistance offered by the LSC funded agency. See Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, [http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone\\_jan-apr-2015/](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/>.

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<sup>164</sup> 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.”).

<sup>165</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>166</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>167</sup> See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>168</sup> See 45 C.F.R. § 1626.5(c).

<sup>169</sup> 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).

<sup>170</sup> See 45 C.F.R. § 1626.4(a)(2).

<sup>171</sup> 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.”).

<sup>172</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>173</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>174</sup> See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>175</sup> 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).

<sup>176</sup> 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).

<sup>177</sup> 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

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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.”).

<sup>178</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>179</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>180</sup> See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>181</sup> See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/> (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

<sup>182</sup> 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.).

<sup>183</sup> The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

<sup>184</sup> 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/](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/>.

<sup>185</sup> 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.”).

<sup>186</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>187</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>188</sup> See, e.g. Office on Violence Against Women, U.S. Dep't of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>189</sup> 45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”). See Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sept. 12, 2015), <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/> (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

<sup>190</sup> 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.).

<sup>191</sup> 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/](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/>.

<sup>192</sup> See 45 C.F.R. § 1626.5(a).

<sup>193</sup> See 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, [http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone\\_jan-apr-2015/](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/>.

<sup>194</sup> 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.”).

<sup>195</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>196</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

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<sup>197</sup> See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>198</sup> 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

<sup>199</sup> 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).

<sup>200</sup> “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/](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/>.

<sup>201</sup> See 45 C.F.R. § 1626.5(a).

<sup>202</sup> See 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, [http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone\\_jan-apr-2015/](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/>.

<sup>203</sup> 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.”).

<sup>204</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>205</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>206</sup> See, e.g., Office on Violence Against Women, U.S. Dep't of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>207</sup> See 45 C.F.R. § 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic



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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).

<sup>208</sup> 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).

<sup>209</sup> 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/](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/>.

<sup>210</sup> 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.”).

<sup>211</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>212</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>213</sup> See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>214</sup> 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.” See Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/>. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

<sup>215</sup> 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.).

<sup>216</sup> The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

<sup>217</sup> See also 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse

and neglect, juvenile proceedings and contempt actions).”]; Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, [http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone\\_jan-apr-2015/](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/>.

<sup>218</sup> 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.”).

<sup>219</sup> Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

<sup>220</sup> Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

<sup>221</sup> See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

<sup>222</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).

<sup>223</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf). See 8 U.S.C. § 1641(c).

<sup>224</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).

<sup>225</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf). See 8 U.S.C. §§ 1641(b)(2), (b)(3), (c)(4).

<sup>226</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).

<sup>227</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%2028%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants under 18 require only HHS eligibility determination (not certification)).

<sup>228</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).

<sup>229</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).

<sup>230</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf). See 8 U.S.C. § 1640(b)(1).

<sup>231</sup> NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150*, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).

- <sup>232</sup> NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf). See 8 U.S.C. § 1641(b)(1).
- <sup>233</sup> NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).
- <sup>234</sup> NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), [https://www.nilc.org/wp-content/uploads/2016/03/liheapwap\\_pp150-51\\_053006.pdf](https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf).
- <sup>235</sup> 42 U.S.C. § 5121.
- <sup>236</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>.
- <sup>237</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>; U.S. DEP'T AGRIC. FOOD & NUTRITION SERV., *DISASTER SNAP GUIDANCE: POLICY GUIDANCE, LESSONS LEARNED, AND TOOLKITS TO OPERATE A SUCCESSFUL D-SNAP* (2014), [https://fns-prod.azureedge.net/sites/default/files/D-SNAP\\_handbook\\_0.pdf](https://fns-prod.azureedge.net/sites/default/files/D-SNAP_handbook_0.pdf).
- <sup>238</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). See 8 U.S.C. § 1641(c).
- <sup>239</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(c).
- <sup>240</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). See 8 U.S.C. §§ 1641(b)(2)-(b)(3), (c)(4).
- <sup>241</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. §§ 1641(b)(2)-(b)(3).
- <sup>242</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(c)(4).
- <sup>243</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 22 U.S.C. §§ 7105(b).
- <sup>244</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 8 U.S.C. § 1641(b)(1).
- <sup>245</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).
- <sup>246</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). See 8 U.S.C. § 1641(b)(1).
- <sup>247</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).
- <sup>248</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). See 8 U.S.C. § 1641(b)(1).
- <sup>249</sup> NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).
- <sup>250</sup> See FED. EMERGENCY MGMT. AGENCY, *FEMA CITIZENSHIP/IMMIGRATION REQUIREMENTS* (2015), <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159> (stating that undocumented individuals can apply on behalf of a minor US citizen child who has a social security card).