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

By: Daniel Enos and Leslye E. Orloff (With Updates by Mary Ann McLean)

April 12, 2019 (Updated March 27, 2024)

#### Deferred Action for Childhood Arrivals (DACA)

<table>
<thead>
<tr>
<th>Qualified Immigrant</th>
<th>HHS Certification</th>
<th>Lawfully Present</th>
</tr>
</thead>
<tbody>
<tr>
<td>T Visa</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18).</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>T Visa/ Continued Presence</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996. (may be subject to deeming).</td>
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</tr>
<tr>
<td>Lawful Permanent Residents</td>
<td></td>
<td>No federal eligibility.</td>
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<tr>
<td>Naturalized Citizens</td>
<td></td>
<td>Not eligible.</td>
</tr>
</tbody>
</table>

#### VAWA Self-Petitioners, Battered Spouse Waivers, and Lawful Permanent Residents, and Naturalized Citizens

<table>
<thead>
<tr>
<th>TANF (Cash Assistance)</th>
<th>VAWA: Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996. (After the first 12 months may be subject to deeming).</th>
<th>Refugee/Asylee: Eligible for TANF regardless of date of entry.</th>
<th>T visa holders or applicants with prima facie (bona fide) determination.</th>
<th>Eligible under the Victims of Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18).</th>
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<th>U Visa, bona fide, or wait list approval.</th>
<th>U Visa Applicants</th>
</tr>
</thead>
<tbody>
<tr>
<td>VAWA</td>
<td>Refugee</td>
<td>Asylee</td>
<td>T Visa</td>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>U Visa, bonafide, or wait list approval</td>
<td>U Visa Applicants</td>
<td>Undocumented</td>
</tr>
<tr>
<td>Qualified Immigrant</td>
<td>HHS Certification</td>
<td>Lawfully Present</td>
<td>Limited Benefits Eligibility</td>
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</tbody>
</table>

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

c © National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2018. This publication was developed under grant number SJI-15-T-234 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

d See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs) (For up-to-date details on LPR benefits eligibility see National Immigrant Law Center, Table 1, Overview of Immigrant Eligibility for Federal Programs (March 2023) https://www.nilc.org/issues/economic-support/table_overview_fedprogs and NIWAP’s Public Benefits Map https://niwaplibrary.wcl.american.edu/benefits-map); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parolee; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1)(a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty; and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see OFFICE OF THE CHIEF IMMIGRATION JUDGE, U.S. DEP’T OF JUSTICE, OPERATING POLICY AND PROCEDURE MEMORANDUM 97-9; MOTIONS FOR “PRIMA FACIE” DETERMINATION AND VERIFICATION REQUESTS FOR BATTERED SPOUSES AND CHILDREN, http://niwaplibrary.wcl.american.edu/putis/prima-facie-verification-requests/ (last visited Mar. 2, 2018).
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<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,1 Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa,2 Afghans,3 Ukrainians4</th>
<th>T Visa5/ Continued Presence6</th>
<th>Deferred Action for Childhood Arrivals (DACA)7</th>
<th>Special Immigrant Juvenile Status (SIJS)8</th>
<th>U Visa, bona fide, or wait list approval.9</th>
<th>U Visa Applicants</th>
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<tr>
<td><strong>American University, Washington College of Law</strong></td>
<td><strong>In Ohio, if entered on or after Aug. 22, 1996, only eligible for Ohio Works First after the VAWA self-petitioner or other immigrant attains lawful permanent residency and after accruing 40 quarters of work credit14</strong> (may be subject to deeming)15</td>
<td>Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.21 <em>In Ohio, refugees, asylees, T visa holders and T visa applicants with bona fide determinations are eligible if entering prior to August 22, 1996.22</em></td>
<td>*In Ohio, refugees, asylees, T visa holders and T visa applicants with bona fide determinations who entered on or after Aug. 22, 1996, are only eligible for Ohio Works First during the five years after obtaining status.*23</td>
<td><em>In Ohio, if entered on or after Aug. 22, 1996, only eligible for Ohio Works First once the SIJS recipient attains lawful permanent residency and after accruing 40 quarters of work credit.36</em></td>
<td><em>Exception, an SIJS recipient with lawful permanent residency who is who is under a court order of supervision27, or is a veteran or a person on active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, eligible without any accrual of work quarters requirement.38</em></td>
<td><em>Exception, a U visa holder is eligible who is who is under a court order of supervision42, or is a veteran, active duty military or the spouse, unmarried surviving spouse or a child of a veteran or a person on active duty, eligible without any accrual of quarters of work credit requirement.43</em></td>
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<td><strong>TANF</strong></td>
<td><em>In Ohio, if entered on or after Aug. 22, 1996, only eligible for Ohio Works First after the VAWA self-petitioner or other immigrant attains lawful permanent residency and after accruing 40 quarters of work credit14</em>* (may be subject to deeming)15</td>
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<td><em>In Ohio, T visa applicants with bona fide determinations are eligible who is who is under a court order of supervision27, or is a veteran or a person on active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, eligible without any accrual of work quarters requirement.38</em></td>
<td><em>Exception, a U visa holder is eligible who is who is under a court order of supervision42, or is a veteran, active duty military or the spouse, unmarried surviving spouse or a child of a veteran or a person on active duty, eligible without any accrual of quarters of work credit requirement.43</em></td>
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<td><strong>Naturalized citizens:</strong> Eligible without restrictions.18</td>
<td><em>In Ohio, if entered on or after Aug. 22, 1996, only eligible for Ohio Works First after the VAWA self-petitioner or other immigrant attains lawful permanent residency and after accruing 40 quarters of work credit14</em>* (may be subject to deeming)15</td>
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<td>TANF</td>
<td>work credit, they are eligible past the five year limitation. 25</td>
<td>determination is under a court order of supervision11, or is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.22</td>
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<td>Child Care</td>
<td>Children with prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care.46 TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.47</td>
<td>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care.50 T visa: Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.51</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or</td>
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<td>Residents are eligible for TANF-funded child care when eligible for TANF.</td>
<td>Certification or eligibility determination. In Ohio, T visa applicants with prima facie determinations (bona fide) are eligible for TANF-funded child care when eligible for TANF.</td>
<td>(3) Eligibility for child care services is determined by a nonprofit charitable organization. Upon receiving lawful permanent residency, eligible as for CCDF-funded child care. Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.</td>
<td>During school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
<td>(3) Eligibility for child care services is determined by a nonprofit charitable organization. Upon receiving lawful permanent residency, eligible as for CCDF-funded child care. Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.</td>
<td>During school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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<td>Naturalized citizens: Eligible without restrictions.</td>
<td>In Ohio, T visa applicants with prima facie determinations (bona fide) are eligible for TANF-funded child care when eligible for TANF.</td>
<td>In Ohio, SIJS holders are eligible for TANF-funded child care when eligible for TANF.</td>
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<td>In Ohio, U visa holders are eligible for TANF-funded child care when eligible for TANF.</td>
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<tr>
<td>SNAP (Food Stamps)</td>
<td>Refugee/Asylee: Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, (if lawfully residing in the U.S. on 8/22/96 disabled, or if Lawful Permanent Resident with 40 quarters of work credit.</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to additional condition, e.g.: under 18, 40 qualifying work quarters, or disabled.</td>
<td>Eligible upon receiving lawful permanent residency, subject to additional condition, e.g.: under 18, 40 qualifying work quarters, or disabled.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
</tr>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Ukrainians</td>
<td>T Visa⁵/ Continued Presence⁵</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
<td>Special Immigrant Juvenile Status (SIJS)⁸</td>
<td>U Visa, bona fide, or wait list approval.⁹</td>
<td>U Visa Applicants</td>
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<tr>
<td><strong>SNAP</strong></td>
<td>Naturalized citizens: Eligible without restrictions.⁷¹</td>
<td>Protection Act to the same extent as refugees.⁷⁴</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.⁷⁶</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.⁷⁷</td>
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<tr>
<td><strong>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)</strong></td>
<td>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status or naturalized citizenship.⁹⁰ Applicants must live in the state in which they apply, but are not required to live there for a certain amount of time in order to meet the WIC residency requirement.⁹⁰ Applicants must also have an income at or below an income level or standard set by the State agency or be determined automatically income-eligible based on participation in certain programs (TANF, SNAP benefits, Medicaid).⁹¹</td>
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<td>In Ohio, applicants may apply at any WIC office in the state.⁹² The income eligibility requirement for a parent or guardian, who is the sole provider of children under age five, is to have a yearly household income at or below 185 percent of the Federal Poverty Income Guidelines.⁹³</td>
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<tr>
<td><strong>Purchase Health Insurance on Exchanges</strong></td>
<td>Eligible with VAWA prima facie determination,⁹⁴ as a lawful permanent resident,⁹⁵ or naturalized citizen.⁹⁶</td>
<td>Refugee: Eligible.⁹⁷ Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.⁹⁸</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility</td>
<td>Not eligible.¹⁰³</td>
<td>Eligible upon filing SIJS application.¹⁰⁴</td>
<td>Eligible upon U visa, bona fide determination,¹⁰⁵ or wait list approval.¹⁰⁶</td>
<td>Not eligible.¹⁰⁷</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Health Insurance Exchanges</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa(^5)/ Continued Presence(^6)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^7)</th>
<th>Special Immigrant Juvenile Status (SIJS)(^8)</th>
<th>U Visa, bona fide, or wait list approval(^9)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tbody>
<tr>
<td>T visa: Eligible with prima facie (bona fide) determination on T visa application.(^9)</td>
<td>determination (under 18).(^10)</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.(^101)</td>
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<tr>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.(^114) Eligible for emergency Medicaid regardless of immigration status.(^115)</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).(^120)</td>
<td></td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^125)</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.(^126)</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.(^129)</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^133)</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^134)</td>
</tr>
<tr>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations: those who arrived prior to August 22, 1996, are immediately eligible as qualified immigrants under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees, with no seven year limit.(^116) Those who arrived on or after August</td>
<td>Family members with T visa status are eligible without HHS Certification or eligibility determination.(^121)</td>
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<td>In Ohio, VAWA self-petitioners with prima facie determinations and lawful permanent</td>
<td>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.(^122)</td>
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<tr>
<td>Naturalized citizens eligible.(^111)</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^112)</td>
<td></td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^127)</td>
<td>In Ohio, SIJS applicant children, pregnant persons, and some individuals under an order of supervision are eligible.(^128)</td>
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<tr>
<td>Eligible for emergency Medicaid regardless of immigration status.(^131)</td>
<td>Eligible</td>
<td>Eligible</td>
<td>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.(^130)</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^131)</td>
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<td>CHIP</td>
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<td>residents who are children or who are pregnant, and some individuals under an order of supervision are eligible.</td>
<td>22, 1996, are eligible as qualified immigrants, but are subject to a five-year bar.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>In Ohio, trafficking victims with HHS certification or eligibility letters or continued presence who are children or pregnant persons and some individuals under an order of supervision are eligible.</td>
<td>In Ohio, U visa holders, applicants with bona fide determinations or waitlist approvals who are children or pregnant persons, and some individuals under an order of supervision are eligible.</td>
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<tr>
<td>Full-Scope Medicaid</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Refugee/Asylees: Eligible, exempt from five-year bar.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Human trafficking victims are eligible with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).</td>
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### VAWA Self-Petitioners, Battered Spouse Waivers,\(^1\)
- Lawful Permanent Residents, and Naturalized Citizens

### Refugee, Asylee, T Visa,\(^2\)
- Afghans,\(^3\)
- Ukrainians\(^4\)

### T Visa\(^5\)/ Continued Presence\(^6\)

### Deferred Action for Childhood Arrivals (DACA)\(^7\)

### Special Immigrant Juvenile Status (SIJS)\(^8\)

### U Visa, bona fide, or wait list approval.\(^9\)

### U Visa Applicants

### Undocumented

#### Full-Scope Medicaid
- Status on or after August 22, 1996, who are pregnant or are under a court order of supervision are eligible.\(^{19}\)
- Qualified immigrants, but are subject to a five-year bar.\(^{143}\)
- Eligible for emergency Medicaid regardless of immigration status.\(^{144}\)
- In Ohio, refugees, asylees, and T visa holders who attained status on or after August 22, 1996, who are pregnant persons or are under a court order of supervision are also eligible.\(^{145}\)

#### Victims of Crime Act (VOCA) Compensation
- The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.\(^{161}\)

#### Family and Medical Leave Act
- Ohio has no state Family and Medical Leave Act.

#### Education-Federal Benefits: Federal Student Aid, Grants and Loans\(^{162}\)
- VAWAs with prima facie determinations and all lawful permanent residents, eligible.\(^{163}\)
- Naturalized citizens, eligible.\(^{164}\)
- Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid.\(^{165}\)
- Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid.\(^{166}\)
- Not eligible for federal student aid.\(^{167}\)
- Eligible for federal student aid upon receipt of lawful permanent residency.\(^{168}\)
- Eligible for federal student aid upon receipt of lawful permanent residency.\(^{169}\)
- Not eligible for federal student aid.\(^{170}\)
<table>
<thead>
<tr>
<th>Education-State Law</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa/ Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
<th>U Visa, bona fide, or wait list approval</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td>All children, without regard to immigration status or citizenship are eligible to attend public elementary and secondary (K-12) schools. State schools may not request citizenship or immigration status information and may not bar students from enrolling in public elementary or secondary schools based on the citizenship or immigration status of the student, their parent or their guardian. Eligible to apply for and enroll in state funded colleges and universities without regard to immigration status.</td>
<td>Eligible with VAWA prima facie determination if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled. May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.</td>
<td>Refugee/Asylees: Eligible during first seven years after the status was granted. Trafficking victims: Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees. T visa: Eligible as a qualified immigrant with prima facie (bona fide) determination on T visa application if receiving SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled. May also be eligible with a prima facie determination if currently receiving SSI.</td>
<td>Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees. Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled.</td>
<td>Not eligible.</td>
<td>Not eligible</td>
<td>Not eligible</td>
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<tr>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,² Afghans,³ Ukrainians ⁴</td>
<td>T Visa⁵/ Continued Presence⁶</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
<td>Special Immigrant Juvenile Status (SIJS)⁸</td>
<td>U Visa, bona fide, or wait list approval.⁹</td>
<td>U Visa Applicants</td>
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<td>SSI</td>
<td>or after August 22, 1996.¹⁸⁰ Naturalized citizens, eligible.¹⁸¹</td>
<td>based on an application filed before 1979.¹⁸⁶ This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.¹⁸⁷</td>
<td>SSI based on an application filed before 1979.¹⁹³</td>
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<td>Driver’s License¹⁹⁶</td>
<td>Under the REAL ID Act, evidence of “lawful status” or naturalized citizenship is required for a driver’s license to be accepted by a federal agency for official purposes.¹⁹⁷ The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.¹⁹⁸ All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).¹⁹⁹ DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.²⁰⁰ In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”²⁰¹ In Ohio, VAWA self-petitioners, refugees, asylees and T visa holders are eligible for a driver’s license.²⁰² Upon lawful permanent residency, SIJS and U visa holders are also eligible.²⁰³ Ohio requires the following documentation²⁰⁴:</td>
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<td>Not eligible.</td>
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<td>Professional &amp; Occupational Licenses</td>
<td>Ohio has no state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.</td>
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<td>Housing, Health, and Other Services Necessary to Protect Life or Safety</td>
<td>Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status or naturalized citizenship and may not withhold those services based on immigration status.²⁰⁷ Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services (including federally qualified health centers); 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.²⁰⁸ In Ohio, the Homeless Crisis Response Programs (HCRP) gives immediate and comprehensive shelter services to homeless persons and persons at risk of becoming homeless.²⁰⁹</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Afghans, Ukrainians</td>
<td>T Visa/ Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>U Visa, bona fide, or wait list approval</td>
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<td>Refugee/Asylee, T visa holder or T visa applicant with prima facie (bona fide) determination eligible for:</td>
<td>Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.</td>
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<td>HUD public and assisted housing; USDA Section 515 Rural Rental Housing; USDA Section 521 Rural Rental Assistance; USDA Section 514/516 Farm Labor Housing if immediate family member or remaining household member of eligible domestic farm laborer.</td>
<td>In Ohio, may be eligible to live in Low Income Housing Tax Credit property.</td>
<td>In Ohio, may be eligible to live in Low Income Housing Tax Credit property.</td>
<td>In Ohio, may be eligible to live in Low Income Housing Tax Credit property.</td>
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<td>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.</td>
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<td>In Ohio, may be eligible to live in Low Income Housing Tax Credit property.</td>
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<td>Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing.</td>
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<td>Public and Assisted Housing and LIHTC</td>
<td>Farm Labor Housing unit</td>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>U Visa, bona fide, or wait list approval</td>
<td>U Visa Applicants</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Lawful permanent residents are eligible for public and assisted housing and for USDA Section 514/516 Farm Labor or Housing. USDA Section 521 Rural Rental Assistance</td>
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<td>Income Tax Credits</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa Afghan, Ukrainians</td>
<td>T Visa/ Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>U Visa, bona fide, or wait list approval</td>
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<td><strong>Child Tax Credit:</strong></td>
<td>Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes. A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN). Immigrants eligible to receive social security numbers include naturalized citizens, lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations, and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.</td>
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<td><strong>Child and Dependent Care Tax Credit:</strong></td>
<td>Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—</td>
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<td>• A dependent child under the age of 13,</td>
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<td>• A spouse who is unable to physically or mentally care for themselves, or</td>
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<td>• An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.</td>
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<td><strong>Earned Income Tax Credit (EITC)</strong></td>
<td>VAWA self-petitioners, lawful permanent residents, and naturalized citizens who have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
<td>Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
<td>Recipients of T visa who are granted work authorization or continued presence who have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
<td>DACA applicants who are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
<td>SIJS recipients who are granted lawful permanent residency who have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year are eligible for the earned income tax credit (EITC).</td>
<td>Once granted lawful permanent residency or work authorization U visa holders and U visa applicants with deferred action (based on bona fide determinations or wait-list approval) who have lived in the U.S. for six months, a who have a social security number valid for work, and who are earning income are eligible for the earned income tax credit (EITC).</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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<tr>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Afghan, Ukrainians</td>
<td>T Visa5/ Continued Presence6</td>
<td>Deferred Action for Childhood Arrivals (DACA)7</td>
<td>Special Immigrant Juvenile Status (SIJS)8</td>
<td>U Visa, bona fide, or wait list approval.9</td>
<td>U Visa Applicants</td>
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<td><strong>Legal Services</strong>286</td>
<td>An immigrant who (or whose child is) battered or subjected to extreme cruelty287 inside or outside of the United States288 is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.289 Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,290 or spouses, parents, and unmarried children under age 21 of U.S. citizens291 become eligible for full representation on any matter upon filing an application for lawful permanent residency.292 Lawful permanent residents, applicants for lawful permanent residency,293 and naturalized citizens294 are eligible for full representation. Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence.304 Must be at least 11 years old.305</td>
<td>An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, and family members with (or applying for) T visa status, are eligible for legal assistance on any matter the LSC-funded agency handles.299</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.310</td>
<td>Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or sexual assault or trafficking in the U.S., on matters related to the abuse.312</td>
<td>An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for U visa status and a family member eligible to apply for a U visa status is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the crime victimization.331</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.341</td>
<td>An immigrant victim who is (or whose child has), or subjected to extreme forms of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.352</td>
<td>An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S. is eligible for legal services from LSC-funded agencies on matters related to the abuse. Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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</table>
| Legal Services | Women funded Legal Assistance as a victim of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.

Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP) | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.

Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship. 

Refugees, asylees, T visa holders, and T visa applicants with prima facie (bona fide) determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance.

Human trafficking victims with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18), are considered refugees and thus are eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.

Federal Emergency Management Agency (FEMA) Assistance | Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status or naturalized citizenship. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.

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.
<table>
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<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,(^1) Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa,(^2) Afghans,(^3) Ukrainians (^4)</th>
<th>T Visa(^5)/ Continued Presence(^6)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^7)</th>
<th>Special Immigrant Juvenile Status (SIJS)(^8)</th>
<th>U Visa, bona fide, or wait list approval.(^9)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<td>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship(^{70}):</td>
<td>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA); open to Refugees, Asylees, T visa applicants with prima facie (bona fide) determination.(^{373})</td>
<td>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18) or family members with T visa status (no need for HHS certification or eligibility determination).(^{376}) These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.(^{377})</td>
<td>Not eligible.</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).(^{378}) 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.(^{379})</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).(^{380}) 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.(^{381})</td>
<td>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).(^{382}) 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.(^{383})</td>
<td>Not eligible.(^{384})</td>
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<td>Unemployment Insurance</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,² Afghans,³ Ukrainians ⁴</td>
<td>T Visa⁵/ Continued Presence⁶</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
<td>Special Immigrant Juvenile Status (SIJS)⁸</td>
<td>U Visa, bona fide, or wait list approval.⁹</td>
<td>U Visa Applicants</td>
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<td>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.³⁸⁶</td>
<td>Refugee: Eligible for UI upon receipt of work authorization.³⁸⁷</td>
<td>Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization.³⁹⁰</td>
<td>Eligible for UI upon receipt of work authorization.³⁹¹</td>
<td>Eligible for UI upon receipt of work authorization.³⁹²</td>
<td>Eligible for UI upon receipt of work authorization.³⁹³</td>
<td>Not eligible.³⁹⁴</td>
<td>Not eligible.³⁹⁵</td>
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<td>Asylee: Eligible for UI upon grant receipt of work authorization.³⁸⁸</td>
<td>T Visa: Eligible for UI upon receipt work authorization.³⁸⁹</td>
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² See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a “prima facie” (bona fide) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).


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

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


10 State benefits agencies are only allowed to ask for information about social and security number information for the family members who is the applicant for the benefit. See NAT’L IMMIGRATION LAW CTR, Privacy Protections in Selected Federal Benefits Programs (Feb. 21, 2018) https://www.nilc.org/wp-content/uploads/2018/03/privacy-protections-fed-programs-tbl-2018.pdf (providing guidelines on what information a State may request from a parent applying on behalf of a child applicant); see also Pohl, Hema Sarangapani, Amanda Baran, and Cecilia Olavarria, Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits (Jul. 10, 2013), https://niwaplibrary.wcl.american.edu/pubs/ch4-3-importance-advocates; see also Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers In State Applications For Medicaid, State Children’s Health Insurance Program (Schip), Temporary Assistance For Needy Families (Tanf), and Food Stamp Benefits, U.S. DEP’T HEALTH & HUM. SERV. (Mar. 24, 2006), https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhsqacitizenshippolicyguidance-03-24-06.

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


18 DEP’T OF HEALTH & HUM. SERV., Administration for Children and Family Services, Office of Family Assistance, Q & A: Immigrants (August 20, 2019), https://www.acf.hhs.gov/ofa/faq/q-immigrants. (Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including

19 American University, Washington College of Law
benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.

19 8 U.S.C. §§ 1612(b)(2)(A)(ii); 1613(b)(1); Federal eligibility for refugees and asylees extends for the first five years after attaining that status; however, in most states their eligibility continues past this five year limitation, since they will have been in the U.S. long enough that the five year bar to public benefits access to certain benefits programs will not apply. As a result, they will become “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See 8 U.S.C. § 1641(b)(2)(B).


21 Trafficking victims are immediately eligible to access TANF based upon eligibility under the Trafficking Victim’s Protection Act, which limits benefits to 7 years following the required HHS certification or HHS determination letter. See 22 U.S.C. § 7105(b)(1). In most states, once the 5 years of eligibility under the Trafficking Act has passed, they can continue their eligibility for TANF as a qualified immigrant, 8 U.S.C. § 1641(c), if they are a T visa holder or a T visa applicant with a bona fide determination (which will include an HHS certification or an HHS determination letter).

22 See also NAT’L IMMIGRATION LAW CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming.


27 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%2820160511%29.pdf. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. https://www.acf.hhs.gov/oha/resource/policy/pi-ocha/2003/pi2003-2htm-0


35 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)). http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/
Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. See 8 U.S.C. § 1631; DEP’T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0


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(Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including...
benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)


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


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SNAP Policy on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). Five-year residency includes time in qualified status prior to turning 18. When SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they can show they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status that does not require sponsorship. 8 U.S.C. § 1631; Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31-33, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).

SNAP Policy on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.).


See SNAP Policy on Non-Citizen Eligibility, U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.).


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.”).


114 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven year limitation, since by seven years they will either have become lawful permanent residents or they will have been in the U.S. long enough that the five year bar to public benefits access will not apply. As a result, they will be “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained lawful permanent resident status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See 8 U.S.C. § 1641(b)(2)(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.

116 22 U.S.C. § 7105(b)(1) Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See also 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility continues past this seven year limitation, since by seven years they will have been in the U.S. long enough that the five year bar to public benefits access will not apply. As a result, they will become “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.

117 22 U.S.C. § 7105(b)(1); See also 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.


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


142 22 U.S.C. § 7105(b)(1); Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See also 8 U.S.C. §§ 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to qualify for benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. See also Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.

143 8 U.S.C. §§ 1621(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven year limitation, since by seven years they will either have become lawful permanent residents or they will have been in the U.S. long enough that the five year bar to public benefits access will not apply. As a result, they will be “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained lawful permanent resident status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See also NAT’L IMMIGRATION LAW CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.


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/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm. See 8 U.S.C. § 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.

See 2 U.S.C. § 7105(b).

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


See 6 C.F.R. § 37.11(g)(1) (2012).

See 6 C.F.R. § 37.11(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-07-01-10also-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).


Immigrants including victims who are lawfully residing in the United States or its territories and possessions under section 141 of the Compacts of Free Association between the U.S. and the Governments of the Marshall Islands, the Federated States of Micronesia and Palau are eligible for public and assisted housing. HUD PUBLIC AND INDIAN HOUSING, Eligibility Determination and Denial of Assistance, Citizenship Status 10 (November 2019) available at: https://www.hud.gov/sites/dfiles/PIH/documents/HCV_Guidebook_Eligibility_Determination_and_Denial_of_Assistance.pdf (last visited Aug. 27, 2022) (However in Guam, such immigrants are not entitled to a preference in receiving housing assistance over a U.S. citizen or national resident who is otherwise eligible for such assistance).


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


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


24 C.F.R. § 5.506(a)(1).

24 C.F.R. § 5.506(a)(1).


See Housing Tax Credit Program, OHIO HOUS. FIN. AGENCY, http://ohiohome.org/ppd/htc.aspx (last visited July 5, 2018). The Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal


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

See also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).


See Housing Tax Credit Program, OHIO HOUS. FIN. AGENCY, http://ohiohome.org/ppd/htc.aspx (last visited July 5, 2018). The Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

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 (2011).

247 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 (2011).


250 See Housing Tax Credit Program, OHIO HOUS. FIN. AGENCY, http://ohiohome.org/ppd/htc.aspx (last visited July 5, 2018). The Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

251 See Housing Tax Credit Program, OHIO HOUS. FIN. AGENCY, http://ohiohome.org/ppd/htc.aspx (last visited July 5, 2018). The Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.


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: Assessing Eligibility of Aliens Under 45 C.F.R. § 1626.4(c)(1) (2014) (interpreting 45 C.F.R. § 1626.4(c)).

45 C.F.R. 1626.4 (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/; 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/.

45 C.F.R. § 1626.5(a).

45 C.F.R. § 1626.5(b).


45 C.F.R. § 1626.5(a).


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


See 45 C.F.R. § 1626.5(c).
See 45 C.F.R. § 1626.4(a)(1)(i) (trafficking victim); 45 C.F.R. §§ 1626.4 (a)(1)(ii) (parent of trafficking victim); 45 C.F.R. § 1626.2(k)(2) (A “victim of trafficking” under the anti-abuse regulation is a victim of any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services (HHS)); 45 C.F.R. § 1626.4(c)(2)(ii) (stating that to qualify for legal assistance by an LSC funded agency, the trafficking must have occurred in the U.S. or violate U.S. law, 45 C.F.R. § 1626.4(c)(1), and the trafficking victim must be present in the U.S. at the time of the application for legal assistance).

See 45 C.F.R. § 1626.4(a)(2).

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


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

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

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


See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(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, Britttnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

315 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/ (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/.


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

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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).”).


323 See 45 C.F.R. § 1626.5(a).


325 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.”).


329 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).

330 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).

331 “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 legal 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 & Lesly E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Lesly E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New

332 See 45 C.F.R. § 1626.5(a).


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


339 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.

340 See 45 C.F.R. § 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)-(a)(15)(U)(iiii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; battery; stalking; sexual abuse; sexual contact; prostitution; sexual exploitation; trafficking; forced prostitution; murder; peonage; servitude; involuntary servitude; kidnaping; abduction; unlawful human smuggling; trafficking in persons; false imprisonment; blackmail; extortion; slavery; sexual exploitation of children; domestic servitude; forced labor; sexual abuse; forced prostitution; sexual exploitation; trafficking; sexual slavery; forced marriage; forced labor; forced prostitution; sexual exploitation; trafficking; sexual slavery; human smuggling; and any other similar activity that constitutes criminal activity or a violation of Federal, State, or local criminal law).

341 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(a)(1)(i).
OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(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 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,Brittany Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/.

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.).


See 45 C.F.R. § 1626.4(c).

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

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


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361 See 8 U.S.C. § 1641(c).


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


To be eligible for unemployment insurance, each class of immigrant must have had prior work authorization and had to have been working with the authorization at the time they applied for unemployment. Work authorization must remain valid while they receive unemployment and if work authorization expires, then so does the eligibility for unemployment. 8 U.S.C. § 1641(c)(1)(B)(i), or (ii); or 8 U.S.C. § 1641(c)(2), or (3).


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


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