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

<table>
<thead>
<tr>
<th>Qualified Immigrant&lt;sup&gt;d&lt;/sup&gt;</th>
<th>HHS Certification</th>
<th>Lawfully Present</th>
<th>Limited Benefits Eligibility&lt;sup&gt;9&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,&lt;sup&gt;1&lt;/sup&gt; Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,&lt;sup&gt;2&lt;/sup&gt; Afghans,&lt;sup&gt;3&lt;/sup&gt; Ukrainians&lt;sup&gt;4&lt;/sup&gt;</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)&lt;sup&gt;22&lt;/sup&gt;</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996&lt;sup&gt;28&lt;/sup&gt; (may be subject to deeming)&lt;sup&gt;29&lt;/sup&gt;</td>
</tr>
<tr>
<td>TANF (Cash Assistance)</td>
<td>T visa: with HHS certification or eligibility</td>
<td>Not eligible.&lt;sup&gt;26&lt;/sup&gt;</td>
<td>In Pennsylvania, DACA applicants eligible as PRUCOLs.&lt;sup&gt;27&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

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

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

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

<sup>d</sup> See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), 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. Dept. of Justice, Operating Policy and Procedure Memorandum 97-9; Motions for “Prima Facie” Determination and Verification Requests for Battered Spouses and Children, http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/ (last visited Mar. 2, 2018).
<table>
<thead>
<tr>
<th><strong>TANF</strong></th>
<th><strong>Child Care</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</strong></td>
<td><strong>Refugee, Asylee, T Visa, Afghans, Ukrainians</strong></td>
</tr>
<tr>
<td><strong>Lawful permanent residents:</strong> Eligible subject to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming).</td>
<td><strong>Children with prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care.</strong></td>
</tr>
<tr>
<td><strong>Naturalized citizens:</strong> Eligible without restrictions.</td>
<td><strong>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care.</strong></td>
</tr>
<tr>
<td><strong>In Pennsylvania, VAWA self-petitioners with prima facie determinations and lawful permanent residents eligible during the 5 year waiting period.</strong></td>
<td><strong>T visa: Eligible for CCDF-funded child</strong></td>
</tr>
<tr>
<td><strong>In Pennsylvania, VAWA self-petitioners with prima facie determinations and lawful permanent residents eligible during the 5 year waiting period.</strong></td>
<td><strong>Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or an HHS eligibility determination (under 18) are eligible for CCDF-funded child care 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</strong></td>
</tr>
<tr>
<td>Child Care</td>
<td>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.</td>
</tr>
<tr>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>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. Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care. They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.</td>
</tr>
<tr>
<td></td>
<td>In Pennsylvania, VAWA self-petitioners with prima facie determinations and lawful permanent residents are eligible for TANF-funded child care.</td>
</tr>
<tr>
<td></td>
<td>In Pennsylvania, refugees, asylees and T visa applicants with bona fide determinations are eligible for TANF-funded child care.</td>
</tr>
<tr>
<td></td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
</tr>
<tr>
<td></td>
<td>TANF-funded childcare is <strong>not</strong> subject to five-year bar and thus is eligible for TANF-funded childcare at the same extent as refugees. Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care. They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.</td>
</tr>
<tr>
<td></td>
<td>In Pennsylvania, VAWA self-petitioners with prima facie determinations and lawful permanent residents are eligible for TANF-funded child care.</td>
</tr>
<tr>
<td></td>
<td>In Pennsylvania, refugees, asylees and T visa applicants with bona fide determinations are eligible for TANF-funded child care.</td>
</tr>
<tr>
<td></td>
<td><strong>NIWAP</strong> American University, Washington College of Law</td>
</tr>
<tr>
<td><strong>VAWA Self-Petitioners, Battered Spouse Waivers,</strong> Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Afghans, Ukrainians</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Child Care</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly (if lawfully residing in the U.S. on 8/22/96 disabled, or if Lawful Permanent Resident with 40 quarters of work credit).</td>
</tr>
<tr>
<td><strong>SNAP (Food Stamps)</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly (if lawfully residing in the U.S. on 8/22/96 disabled, or if Lawful Permanent Resident with 40 quarters of work credit).</td>
</tr>
<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.</td>
</tr>
</tbody>
</table>

In Pennsylvania, applicants may apply for WIC at any of the clinics across the state. The income eligibility requirement for a parent or guardian, who is the sole provider of children under age five, is to be at or below 185 percent of the federal poverty level.
<table>
<thead>
<tr>
<th>Purchase Health Insurance on Exchanges (^{87})</th>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>Eligible with VAWA prima facie determination,(^{88}) as a lawful permanent resident,(^{89}) or naturalized citizen.(^{90})</td>
<td>Refugee: Eligible.(^{91}) Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.(^{92}) T visa: Eligible with prima facie (bona fide) determination on T visa application.(^{93})</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18).(^{94}) Family members with T visa status eligible without HHS certification or eligibility determination.(^{95}) These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.(^{96})</td>
<td>Not eligible.(^{97})</td>
<td>Eligible upon filing SIJS application.(^{98})</td>
<td>Eligible upon U visa, bona fide determination,(^{99}) or wait list approval.(^{100})</td>
<td>Not eligible.(^{101})</td>
<td>Not eligible.(^{102})</td>
<td></td>
</tr>
<tr>
<td>Child Health Insurance Program (CHIP) (^{103})</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.(^{104}) Naturalized citizens eligible.(^{105}) In Pennsylvania, Medical Assistance (MA) available for lawfully present (^{106})</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.(^{107}) T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.(^{108}) T visa holders and T visa applicants with</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).(^{111}) Family members with T visa status are eligible without HHS Certification or eligibility determination.(^{112}) These human trafficking victims are eligible to the same extent as refugees and</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{115})</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.(^{116}) In Pennsylvania, Medical Assistance (MA) available for lawfully present children and pregnant children (including SIJS applicants and recipients).(^{117})</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.(^{118}) If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.(^{119}) In Pennsylvania,</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{122})</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{123})</td>
</tr>
</tbody>
</table>
### Table: Access to Benefits for Victims of Trafficking

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
<th>Eligibility</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHIP</strong></td>
<td>children and pregnant children (including VAWA self-petitioning children with prima facie determinations and lawful permanent residents)<strong>106</strong></td>
<td>prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.<strong>109</strong></td>
<td>In Pennsylvania, Medical Assistance (MA) available for lawfully present children and pregnant children (including trafficking victims with HHS certification or eligibility letters)<strong>114</strong></td>
</tr>
<tr>
<td><strong>Full-Scope Medicaid</strong></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.<strong>125</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status or citizenship status<strong>127</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.<strong>139</strong></td>
</tr>
<tr>
<td><strong>Refugee/Asylee</strong></td>
<td>Eligible, exempt from five-year bar.<strong>129</strong></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).<strong>133</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.<strong>138</strong></td>
</tr>
<tr>
<td><strong>T visa</strong></td>
<td>with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.<strong>130</strong></td>
<td>Family members with T visa status eligible without HHS Certification or eligibility determination.<strong>134</strong></td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.<strong>146</strong></td>
</tr>
<tr>
<td><strong>U visa holders and T visa applicants with prima facie (bona fide)</strong></td>
<td>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.<strong>135</strong></td>
<td>In Pennsylvania, Medical Assistance (MA) available for lawfully present immigrants and pregnant persons (including SIJS) available for lawfully present children and pregnant children (including U visa holders, bona fide determinations and wait-list approved U visa applicants).<strong>121</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Human trafficking victims</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.<strong>138</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.<strong>142</strong></td>
<td>Eligible for emergency Medicaid regardless of immigration status.<strong>147</strong></td>
</tr>
<tr>
<td><strong>Medical assistance</strong></td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.<strong>146</strong></td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.<strong>145</strong></td>
<td>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residence<strong>148</strong></td>
</tr>
<tr>
<td>Full-Scope Medicaid</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,1 Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,2 Afghans,3 Ukrainians4</td>
<td>T Visa5/ Continued Presence6</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>In Pennsylvania, Medical Assistance (MA) available for lawfully present immigrants and pregnant persons (including VAWA self-petitioners with prima facie determinations and lawful permanent residents).128</td>
<td>determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.131 In Pennsylvania, Medical Assistance (MA) available for lawfully present immigrants and pregnant persons (including refugees, asylees, and T visa applicants with bona fide determinations).132</td>
<td>Eligible for emergency Medicaid regardless of immigration status.136 In Pennsylvania, Medical Assistance (MA) available for lawfully present immigrants (including trafficking victims with HHS certification or eligibility letters).137</td>
<td>applicants and recipients.141</td>
</tr>
<tr>
<td>Victims of Crime Act (VOCA) Compensation</td>
<td>The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.149</td>
<td>Pennsylvania has no state Family Medical Leave Act. Federal FMLA law applies.150</td>
<td></td>
</tr>
<tr>
<td>Family Medical Leave Act</td>
<td>Pennsylvania has no state Family Medical Leave Act. Federal FMLA law applies.150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education- Federal Benefits: Federal Student Aid, Grants and Loans151</td>
<td>VAWA’s with prima facie determinations and alllawful permanent residents, eligible152 Naturalized citizens, eligible153</td>
<td>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid.154</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid.155</td>
</tr>
<tr>
<td><strong>VAWA Self-Petitioners, Battered Spouse Waivers,¹</strong>&lt;br&gt;<strong>Lawful Permanent Residents, and Naturalized Citizens</strong></td>
<td><strong>Refugee, Asylee, T Visa,² Afghans,³ Ukrainians ⁴</strong></td>
<td><strong>T Visa⁵/ Continued Presence⁶</strong></td>
<td><strong>Deferred Action for Childhood Arrivals (DACA)⁷</strong></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>Education-State Law</strong>&lt;br&gt;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.¹⁵⁹</td>
<td><strong>At its public postsecondary institutions, Pennsylvania does not allow in-state tuition rates and access to institutional aid or scholarships for non-citizens.¹⁶⁰ Although eligible to apply for and enroll in state funded colleges and universities without regard to immigration status,¹⁶¹ students who are not qualified immigrants (including lawful permanent residents, VAWA self-petitioners, asylees, refugees, T visa holders, and T visa applications with bona fide determinations) are not eligible in Pennsylvania for state funded post-secondary educational grants and loans.¹⁶² Pennsylvania State University extends in-state tuition to students in the state who meet the university’s residence requirements without regard to immigration status.¹⁶³</strong>&lt;br&gt;&lt;br&gt;<strong>Supplemental Security Income (SSI)¹⁶⁴</strong>&lt;br&gt;Eligible with VAWA prima facie determination or lawful permanent residence if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.¹⁶⁵ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.¹⁶⁶ Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,¹⁶⁷ subject to five-year bar for those who arrived on or after August 22, 1996.¹⁶⁸ Naturalized citizens, eligible.¹⁶⁹ <strong>Refugees/Asylees:</strong> Eligible during first seven years after the status was granted.¹⁷⁰ <strong>Trafficking victims:</strong> Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.¹⁷¹ <strong>T visa¹⁷²:</strong> 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.¹⁷³ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.¹⁷⁴ This eligibility allows trafficking victims who are disabled to make a prima facie determination for SSI.¹⁷⁵ 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.¹⁷⁶ Not eligible. Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work,¹⁷⁷ subject to five-year bar for those who arrived on or after August 22, 1996.¹⁷⁸ Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work,¹⁷⁹ subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled.¹⁸⁰ Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979.¹⁸¹ Not eligible.¹⁸² Not eligible.¹⁸³</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Table: Eligibility for Driver's License

<table>
<thead>
<tr>
<th>Category</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Continue to receive SSI after the 7 years.</td>
</tr>
<tr>
<td>Refugee, Asylee, T Visa, Afghan, Ukrainians</td>
<td></td>
</tr>
<tr>
<td>T Visa/ Continued Presence</td>
<td></td>
</tr>
<tr>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td></td>
</tr>
<tr>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td></td>
</tr>
<tr>
<td>U Visa, bona fide, or wait list approval</td>
<td></td>
</tr>
<tr>
<td>U Visa Applicants</td>
<td></td>
</tr>
<tr>
<td>Undocumented</td>
<td></td>
</tr>
</tbody>
</table>

**SSI**

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

In additional REAL ID’s, Pennsylvania offers a non-REAL ID license to immigrants. The non-REAL ID compliant Driver’s License requires the following documents:

- Social Security card
  - Only if eligible for one.
- Two proofs of Pennsylvania residency
- One immigration document
  - The particular document depends on individual immigration status. Examples include: I-551 permanent resident card, passport with the I-551 stamp, machine readable visa, re-entry permit I-327, Employment Authorization Card, Refugee Travel Document, Reception and Placement Assurance Form, valid or expired passport, I-797.

- The stage in the immigration application process at which most immigrant crime victims will receive full a state issued driver’s license is upon receipt of employment authorization.

**Driver’s License**

The Pennsylvania Board of Law Examiners issued a rule authorizing immigrants with Deferred Action for Childhood Arrivals for admission to the Pennsylvania Bar. Pennsylvania has no other state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.
### Housing, Health, and Other Services Necessary to Protect Life or Safety

Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status or naturalized citizenship and may not withhold those services based on immigration status. Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or housing, health and other services necessary to protect life or safety; 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.

In Pennsylvania, the Department of Community and Economic Development administers the Emergency Solutions Grant (ESG) and provides street outreach, shelter, and rapid re-housing services to the homeless, and homelessness prevention services to those at risk of homelessness. Pennsylvania’s Homeless Assistance Program gives immediate and comprehensive shelter services to homeless persons and persons at risk of becoming homeless.

### Public and Assisted Housing, and Low-Income Housing Tax Credit (LIHTC) Housing

<table>
<thead>
<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,(^1)</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>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee/Asylee, T visa holder or T visa applicant with prima facie (bona fide) determination eligible for:</td>
<td>HUD public and assisted housing;(^{213}) USDA Section 515 Rural Rental Housing,(^{216}) USDA Section 521 Rural Rental Assistance,(^{217}) USDA Section 514/516 Farm Labor Housing if immediate family member(^{219}) or remaining household member(^{219}) of eligible domestic farm laborer.</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),(^{229}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{230})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),(^{229}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{230})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),(^{229}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{230})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),(^{229}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{230})</td>
<td></td>
<td></td>
</tr>
<tr>
<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>
<td>U Visa Applicants</td>
<td>Undocumented</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Housing if immediate family member of eligible tenant. Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.</td>
<td>514/516 Farm Labor Housing. May be eligible to live in Pennsylvania Low Income Housing Tax Credit property.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lawful permanent residents are eligible for public and assisted housing and for USDA Section 514/516 Farm Labor Housing; USDA Section 521 Rural Rental Assistance.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naturalized citizens are eligible for public and assisted housing and for USDA Section 514/516 Farm Labor Housing; USDA Section 521 Rural Rental Assistance. In Pennsylvania, may be eligible to live in Pennsylvania Low Income Housing Tax Credit property.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public and Assisted Housing and LIHTC</strong></td>
<td><strong>Tax Credit property.</strong></td>
<td><strong>Tax Credit property.</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Income Tax Credits</td>
<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>
<td>U Visa Applicants</td>
</tr>
<tr>
<td>-------------------</td>
<td>-------------------------------------------------</td>
<td>---------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------------------</td>
<td>-----------------</td>
</tr>
</tbody>
</table>
| **Child Tax Credit**: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes. 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. Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—
- A dependent child under the age of 13,
- A spouse who is unable to physically or mentally care for themselves, or
- An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months. The child or dependent must have a social security number or 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. |
| **Child and Dependent Care Tax Credit**: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—
- A dependent child under the age of 13,
- A spouse who is unable to physically or mentally care for themselves, or
- An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months. The child or dependent must have a social security number or 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. |
<p>| <strong>Earned Income Tax Credit (EITC)</strong> | 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). | 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). | Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, 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). | 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). | SIJS recipients granted lawful permanent residency who: have lived in the U.S. 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). | 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, who have a social security number valid for work, and who are earning income are eligible for the earned income tax credit (EITC). | Not eligible. | Not eligible. |</p>
<table>
<thead>
<tr>
<th>Legal Services</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghanis, 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>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Refugee/Asylee:</strong> Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles. An immigrant who has (or whose child has been) a victim of trafficking in the U.S. including a T visa holder is eligible for legal assistance on any matter the LSC-funded agency handles. Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td><strong>Refugee/Asylee:</strong> An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, and derivative family members with (or applying for) T visa status are eligible for legal assistance on any matter the LSC-funded agency handles.</td>
<td><strong>T Visa/ Continued Presence:</strong> An immigrant 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. Must be at least 11 years old.</td>
<td><strong>Deferred Action for Childhood Arrivals (DACA):</strong> A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S. Must be at least 11 years old.</td>
<td><strong>Special Immigrant Juvenile Status (SIJS):</strong> Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or sexual assault or trafficking in the U.S. on matters related to the abuse.</td>
<td><strong>U Visa, bona fide, or wait list approval:</strong> An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status is eligible for legal assistance from Legal Services Corp (LSC)-funded agencies on matters related to the crime victimization.</td>
<td><strong>U Visa Applicants:</strong> An immigrant who has (or whose child has) applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the crime victimization.</td>
<td><strong>Undocumented:</strong> An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S. is eligible for legal services from LSC-funded agencies on matters related to the abuse.</td>
<td></td>
</tr>
<tr>
<td>Legal Services</td>
<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>
<td>U Visa Applicants</td>
<td>Undocumented</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------</td>
<td>------------------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
<td>-----------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Eligible for Office of Violence Against Women funded Legal Assistance as a victim of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td></td>
</tr>
<tr>
<td>WAP and LIHEAP</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 Visa 5/ Continued Presence 6</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>
<td>Undocumented</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>higher risk residents, such as the elderly and children. 349</td>
<td>such as the elderly and children. 353</td>
<td>income at or below 150% federal poverty level; note, applications are only accepted during certain periods of the year. 354</td>
<td>below 150% of federal poverty level; note, applications are only accepted during certain periods of the year. 364</td>
<td>the elderly and children. 367</td>
<td>In Pennsylvania, eligible for LIHEAP if annual income at or below 150% of federal poverty level; note, applications are only accepted during certain periods of the year. 378</td>
<td>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 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. 374</td>
<td>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits. 375</td>
<td></td>
</tr>
<tr>
<td>In Pennsylvania, eligible for LIHEAP if annual income at or below 150% of federal poverty level; note, applications are only accepted during certain periods of the year. 350</td>
<td>In Pennsylvania, eligible for LIHEAP if annual income at or below 150% of federal poverty level; note, applications are only accepted during certain periods of the year. 358</td>
<td></td>
<td>In Pennsylvania, eligible for LIHEAP if annual income at or below 150% of federal poverty level; note, applications are only accepted during certain periods of the year. 364</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Emergency Management Agency (FEMA) Assistance 373</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA). 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA):</td>
<td></td>
</tr>
<tr>
<td>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship 377:</td>
<td>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship 377: 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 377</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 377</td>
<td></td>
</tr>
<tr>
<td>Upon receiving lawful permanent residency:</td>
<td>Upon receiving lawful permanent residency:</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 385</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 385</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 385</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 385</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 385</td>
<td>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA): 385</td>
<td></td>
</tr>
<tr>
<td>FEMA</td>
<td>Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.</td>
<td>spousal or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.</td>
<td>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.</td>
<td>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.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
</tr>
<tr>
<td>Unemployment Insurance</td>
<td>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.</td>
<td>Refugee: Eligible for UI upon receipt of work authorization.</td>
<td>Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization.</td>
<td>Eligible for UI upon receipt of work authorization.</td>
<td>Eligible for UI upon receipt of work authorization.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
<td></td>
</tr>
</tbody>
</table>


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 youth immigrant survivors of abuse, abandonment, and/or neglect by a parent to obtain legal immigration status.).


10 State benefits agencies are only allowed to ask for immigration status and social security number information for the family members who is the applicant for the benefit. See NAT’L 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-btl-2018.pdf (providing guidelines on what information a State may request from a parent applying on behalf of a child applicant); see also Anna Pohl, Hema Sarangapani, Amanda Baran, and Cecilia Olavarria, Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits (Jul. 10, 2013), https://niwaplibrary.wcl.american.edu/pubs/ch4-3-importance-advocates; see also Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers In State Applications For Medicaid, State Children’s Health Insurance Program (Schip), Temporary Assistance For Needy Families (Tafn), and Food Stamp Benefits, U.S. DEP’T HEALTH & HUM. SERV. (Mar. 24, 2006), https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hsh capacitrefreshpolicyguidance-03-24-06.

11 Battered Spouse Waiver victims are VAWA self-petitioners as defined in INA § 101(a)(5). To be eligible for a battered spouse waiver the victim must be a battered immigrant spouse of a U.S. citizen or lawful permanent resident who filed an immigration case on the battered spouse’s behalf through which the immigrant spouse was granted conditional permanent residency. Most battered spouse waiver applicants will have conditional permanent residency at the time they file their battered spouse waiver application. Their public benefits eligibility is based either on their conditional permanent residency or on their battered spouse waiver application. It is important to note that after an abused immigrant spouse files their battered spouse waiver application, they become eligible for VAWA self-petitioning related domestic 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.

12 State benefits agencies are only allowed to ask for immigration status and social security number information for the family members who is the applicant for the benefit. See NAT’L 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-btl-2018.pdf (providing guidelines on what information a State may request from a parent applying on behalf of a child applicant); see also Anna Pohl, Hema Sarangapani, Amanda Baran, and Cecilia Olavarria, Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits (Jul. 10, 2013), https://niwaplibrary.wcl.american.edu/pubs/ch4-3-importance-advocates; see also Policy Guidance Regarding Inquiries Into Citizenship, Immigration Status and Social Security Numbers In State Applications For Medicaid, State Children’s Health Insurance Program (Schip), Temporary Assistance For Needy Families (Tafn), and Food Stamp Benefits, U.S. DEP’T HEALTH & HUM. SERV. (Mar. 24, 2006), https://niwaplibrary.wcl.american.edu/pubs/pb-gov-hsh capacitrefreshpolicyguidance-03-24-06.


16 DEPT’ OF HEALTH & HUM. SERV., Administration for Children and Families, Office of Family Assistance, Q & A: Immigrants (August 20, 2019), https://www.acf.hhs.gov/ofa/qag/q-immigrants. (Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)


18 8 U.S.C. §§ 1612(b)(2)(A)(ii); 1613(b)(1). Federal eligibility for refugees and asylees extends for the first five years after attaining that status. However, if they have attained lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as an LPR by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states they are eligible as a refugee or asylee continues past this five-year limit. States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. See Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.

19 See 22 U.S.C. § 7105(b)(1); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/. TANF benefits for refugees are available without a five-year waiting period, but are limited to five years. However, if the refugee attains lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as a lawful permanent resident by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states they are eligible as a refugee or asylee continues past this five-year limit. See Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.


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. See 22 U.S.C. § 7105(b).


8 U.S.C. §§ 1612(b), 1613(b). (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997).) http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/; See Catherine Longville and Leslye Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions, (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-factsheet/; Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in NAT’L IMMIGRATION WOMEN’S ADVOCACY PROJECT (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. See 8 U.S.C. § 1631; DEP’T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/oca/resource/policy/pi-03/2003/0203-2htm-0


8 U.S.C. § 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997).) http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/; See Catherine Longville and Leslye Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions, (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-factsheet/; Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in NAT’L IMMIGRATION WOMEN’S ADVOCACY PROJECT (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. See 8 U.S.C. § 1631; DEP’T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/oca/resource/policy/pi-03/2003/0203-2htm-0


37. Administration for Children and Families, Office of Family Assistance, Q & A: Immigrants, DEP’T OF HEALTH & HUM. SERV (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 child care provided by non-profit charitable organizations)? “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.)


62 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.)


73 SNAP Policy on Non-Citizen Eligibility, U.S. Dep’t of Agric., Supplemental Nutrition Assistance Program, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). Five-year residency includes time in qualified status prior to turning 18. When SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they can show they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status does not require sponsorship.


75 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.)


79 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.)


See 8 U.S.C. § 1641(c).

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 PERSONS 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-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.”).

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 PERSONS 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-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.”).


Carly Erickson & Leslye E. Orloff, U-Visa Victim Benefits under the Affordable Care Act (ACA), NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (June 18, 2014), http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/.


107 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access to Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., *Chapter 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_overviewFedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

108 22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l 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_overviewFedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


110 8 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. 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_overviewFedprogs/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf. See 22 U.S.C. § 7105(b).


121 8 U.S.C. § 1641(b)(1).

123 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)).


129 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply.

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


135 See 8 U.S.C. § 1641(c).


139 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access to Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.
Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration L. Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


Victims of Crime Act (VOCA) compensation for crime victims is a program providing services necessary to protect health and safety of crime victims that helps victims heal and overcome the emotional and financial impact of crime victimization on their lives. VOCA compensation is separate from and does not fall within the definitions of "federal public benefit" or "state public benefit" under U.S. public benefits laws and thus is open to all crime victims without regard to immigration status. See, Joyce E. Frost, Office for Victims of Crime, U.S. Department of Justice, Letter to Cassie T Jones Alabama Crime Victims' Compensation Commission (July 2, 2010) available at https://niwaplibrary.wcl.american.edu/pubs/oip-ovc-letter-on-access-to-voca-victim-compensation-7-2-2010;


161 U.S. Immigration and Customs Enforcement, Memo: Undocumented Students Authorized to Enroll in Post-Secondary Educational Institutions (July 24, 2008) https://niwaplibrary.wcl.american.edu/pubs/pb-gov-dhsundocstudentpost2ndeduaccess-7-24-08. This law applies to all states except those that have implemented state laws or policies that limit or deny enrollment in public colleges or universities which are Alabama, Georgia and South Carolina. (Current as of July 2021). See, NAT’L IMMIGRATION LAW CTR., Current State Laws and Policies on Access to Higher Education for Immigrants (July 2021) https://www.nilc.org/issues/education/eduaccesstoolkit/eduaccesstoolkit2/#maps.

While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.


See qualified immigrant status).

22 U.S.C. § 1612(a)(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(a)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See § 1641(b)(2)(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. NAT’L 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)(1) (Due to the work requirement, few SIJS children will qualify, although work done by the applicant, parent or spouse counts toward the 40 quarters of work.).


186 See 6 C.F.R. § 37.11(g)(1) (2012).
188 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 PERSONS 2 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresiding-medicaid-07-01-10-also-in-qualified-immigrants/ (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver’s licenses without waiting for work authorization. This may be an area for advocacy in individual cases).
193 VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.
194 VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.
195 PENN. BOARD OF LAW EXAMINERS, Rule 2020 Admission to the Bar (Effective date Jan. 12. 2022) (Authorizes DACA students for admission to the Pennsylvania Bar.)
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).

See generally NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR:

“IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (contains lists of housing programs that are unrestricted and lists of housing programs that various forms of immigration restrictions).

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).


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

NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017), reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR:

“IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (Feb. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). See 7 C.F.R. § 3560.11 (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).


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


212 24 C.F.R. § 5.506(a)(1).


215 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. See, DEP’T of HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vaawa-self-petitioner-verification-procedures/.


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

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

222 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency 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.


224 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency 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.

225 See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicanfs under age 18 require an HHS eligibility determination (not a certification)).


227 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency 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.


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

228 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


235 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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


239 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency U visa applicants approved will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


242 See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency U visa applicants approved will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.
See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants including U visa applicants upon receipt of lawful permanent residency, who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency, U visa applicants approved will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

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

See Federal Low Income Housing Tax Credit, PA HOUS. FIN. AGENCY, https://www.phfa.org/mhp/developers/lihtc.aspx (last visited June 20, 2018). The Pennsylvania Housing Finance Agency 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 (2012).


276 26 U.S.C.A § 32(c)(1)(D) (West 2018); 26 U.S.C.A § 6013(g) (West 2018).


281 Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. See 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittman 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://niwap.library.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

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

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

284 45 C.F.R. § 1626.5(a).


287 45 C.F.R. § 1626.5(a)

289 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.”).


293 See 45 C.F.R. § 1626.5(c).

294 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).

295 See 45 C.F.R. § 1626.4(a)(2).

296 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.”).


300 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).

301 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).

302 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.”.


306 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)(ii) (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, 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/ (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).

307 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.).

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

309 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, Henriissa 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-april-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henriissa 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, Henriissa 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-accesspubliclyfundedlsl/.

310 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/dlownload (“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 victims 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 provides the support 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.”).


NIWAP

American University, Washington College of Law 36


314 45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”). See Lesley E. Orloff, Brittman Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing 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 45 C.F.R. § 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.)

316 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

317 See 45 C.F.R. § 1626.5(a).


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

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).

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),” 45 C.F.R. 1626.4(b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, Nat’l Legal Aid & Defender Ass’n Cornerstone Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

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

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).

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

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

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.).

The abuse must either have occurred in the U.S. or violate U.S. law. 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, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”); Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, NAT’L IMMIGRATION 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 domestic assault, sexual 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 that abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


8 U.S.C. § 1641(c).


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.”).
