

Trafficking Victim Immigration and Public Benefits Eligibility Process^{1 2}

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There are two forms of immigration relief available to victims of human trafficking, Continued Presence and the T visa which both result in the victim of human trafficking receiving a certification letter (adults)³ or an eligibility letter (children)⁴ from the Office on Trafficking in Persons at the U.S. Department of Health and Human Services.⁵ Since access to immigration relief through Continued Presence and the T visa programs expand immigrant human trafficking victims' access to state and federally funded public benefits, this bench card will first discuss eligibility criteria for those programs. Following that discussion this bench card lists the range of publicly funded services and state and federal public benefits that adult and child victims with continued presence, T visa, and T visa bona fide determinations are eligible to receive.

Importance of Early Identification of Human Trafficking Victims

Soon after a victim of human trafficking is identified DHS encourages law enforcement, prosecutors, and other government agencies to “request continued presence as early and as expeditiously as possible.”⁶ Continued presence is a temporary form of immigration relief that allows adult and child victims of severe forms of human trafficking, both sex and labor trafficking, who may be potential witnesses to lawfully remain in the U.S., work and receive a broad range of federal and state public benefits.⁷ Continued presence lasts for two years and can be renewed and provides victims safety, stability, a means of support, and protection from deportation, which help stabilize human trafficking victims.⁸ Continued presence provides adult and child victims of human trafficking the protection and support they need while they go through the process of applying for a T visa and provides long term immigration protection for human trafficking victims that includes a path to lawful permanent residency.

When courts, law enforcement, prosecutors, or other government officials identify an immigrant child who may have experienced forced labor or commercial sex as a victim of a severe form of trafficking in persons a Request for Assistance⁹ may be submitted on the child's behalf to the Office on Trafficking in Persons (HHS OTIP) at the Department of Health and Human Services.¹⁰ The Trafficking Victims Protection Act requires federal, state, and local officials with information about foreign national minors who may have experienced human trafficking to refer cases to HHS OTIP for assessment within 24 hours and HHS OTIP will accept case

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³ See *Certification Letters*, Office on Trafficking in Persons (Nov. 6, 2020), available at <https://www.acf.hhs.gov/otip/victim-assistance/certification>.

⁴ See *Child Eligibility Letters*, Office on Trafficking in Persons, available at <https://www.acf.hhs.gov/otip/victim-assistance/child-eligibility-letters>.

⁵ See *Certification Letters*, Office on Trafficking in Persons (Nov. 6, 2020), available at <https://www.acf.hhs.gov/otip/victim-assistance/certification>.

⁶ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 6 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

⁷ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 6 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

⁸ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 6 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

⁹ See OFFICE ON TRAFFICKING IN PERSONS, *Instructions: Request for Assistance for Child Victims of Human Trafficking*, available at https://www.acf.hhs.gov/sites/default/files/documents/otip/RFA_Instructions.pdf.

¹⁰ See *Report Trafficking Concerns and Request Assistance on Behalf of a Foreign National Minor*, OFFICE ON TRAFFICKING IN PERSONS, available at <https://www.acf.hhs.gov/otip/victim-assistance/child-eligibility-letters/request-assistance>.

referrals even after the initial 24-hour period.¹¹ This reporting process helps immigrant child trafficking victims receive referrals for case management services through a local trafficking victim assistance provider¹² and access state and federal public benefits.¹³ It is important to note that immigrant child trafficking victims will also need assistance obtaining continued presence and filing for T visas because the assistance offered through HHS for immigrant child trafficking victims provides critical initial access to assistance but not the immigration relief and protection from deportation that the immigrant child trafficking victims need for their longer term stability, healing and safety.

Immigration Status Qualification Requirements

To qualify for either Continued Presence or the T visa adult and child trafficking victims must be a victim of a severe form of trafficking in persons as defined by federal law 22 U.S. Code § 7102:

(11) Severe forms of trafficking in persons

The term “severe forms of trafficking in persons” means—

- (A) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (B) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(12) Sex trafficking

The term “sex trafficking” means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act.

Qualifying for Continued Presence

The identified individual:

- Must be a victim of a severe form of human trafficking in persons; AND
- Is a person who may be a potential witness in the investigation or prosecution of the trafficker. This means that there is some indication that the person has information that could be helpful in the investigation or prosecution of the trafficker. This does not require any certainty that an investigation has been or will be initiated, that it will lead to an indictment or prosecution or that the victim would possibly be needed as a witness.

Victims can qualify for continued presence even when they have not cooperated with law enforcement. “Some victims may be too traumatized to assist immediately.”¹⁴ Continued Presence was designed to help these victims as well. After being granted Continued Presence and becoming more stable, victims may be in a better place physically and mentally to assist law enforcement.¹⁵ Continued Presence is part of a victim-centered approach that “places equal value on the investigation and prosecution of human traffickers and on

¹¹ See *Report Trafficking Concerns and Request Assistance on Behalf of a Foreign National Minor*, OFFICE ON TRAFFICKING IN PERSONS, available at <https://www.acf.hhs.gov/otip/victim-assistance/child-eligibility-letters/request-assistance>.

¹² See *Victim Assistance Grants*, OFFICE ON TRAFFICKING IN PERSONS (Dec. 17, 2019), available at <https://www.acf.hhs.gov/otip/victim-assistance/victim-assistance-grants#foreignnatl>; *Grants*, OFFICE ON TRAFFICKING IN PERSONS (Sept. 28, 2020), available at <https://www.acf.hhs.gov/otip/grants>.

¹³ See OFFICE ON TRAFFICKING IN PERSONS, *Use your [HHS Eligibility] letter to apply for benefits and services*, available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/child_eligibility_handout.pdf.

¹⁴ See CTR. FOR COUNTERING HUMAN TRAFFICKING, *CONTINUED PRESENCE RESOURCE GUIDE 8* (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

¹⁵ See CTR. FOR COUNTERING HUMAN TRAFFICKING, *CONTINUED PRESENCE RESOURCE GUIDE 8* (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

the identification and stabilization of victims of human trafficking.”¹⁶ Routinely assisting victims of human trafficking in applying for Continued Presence is an excellent tool that builds trust with victim services organizations and other service providers who serve as an important bridge to identifying human trafficking victims and supporting them in healing and accessing justice.¹⁷

*How to apply for and obtain Office of Refugee and Resettlement benefits eligibility based on Continued Presence*¹⁸

1. To request Continued Presence state, local, tribal, or territorial government officials (law enforcement, prosecutors, judges, or other local government officials) work with their local Homeland Security Investigations (HIS) office or another federal agency partner to submit the Continued Presence application on the immigrant trafficking victim’s behalf.¹⁹
 - Attorneys representing human trafficking victims in federal civil actions brought against traffickers under 18 U.S.C. § 1595 with work through HIS Victim Assistance Specialists who will complete the Continued Presence application for the trafficking victim.
 - Only federal government officials can file Continued Presence applications on human trafficking victims’ behalf. Federal agencies that can file Continued Presence applications include but are not limited to the following:²⁰
 - Homeland Security Investigations;
 - Federal Bureau of Investigations (FBI);
 - U.S. Department of State Diplomatic Security Service (DSS);
 - U.S. Attorneys’ Offices;
 - The Civil Rights Division, Criminal Section of the U.S. Department of Justice (DOJ);
 - U.S. Marshals Service;
 - U.S. Department of Labor (DOL); and
 - The Equal Employment Opportunity Commission (EEOC)

Best Practice: State and local officials who could encounter adult or child victims of human trafficking in their work, should establish relationships with federal agency staff authorized to file Continued Presence applications. This ensures that when state or local judges, law enforcement, prosecutors, and child or adult protective services encounter an adult or child victim of human trafficking who is an immigrant the system is in place locally to swiftly file a Continued Presence application for eligible immigrant victims.

2. Once the federal government official receives the information for the application from the trafficking victim (in federal cases) or state government agencies (in state cases), the federal official then files the Continued Presence application with the DHS Center for Countering Human Trafficking (CCHT).
 - “In the CP application, the CCHT is primarily looking for a concise statement regarding the indicators of force, fraud, and coercion OR that the individual is a minor engaged in a

¹⁶ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 6 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

¹⁷ See U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, *Continued Presence: Temporary Immigration Designation for Victims of Human Trafficking* (2019), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Pamphlet-2019.pdf>.

¹⁸ For more information and sample documents, see *A Guide for Legal Advocates Providing Services to Victims of Human Trafficking*, CATHOLIC LEGAL IMMIGRATION NETWORK, LEGAL AID FOUND. OF LOS ANGELES, U.S. CONFERENCE OF CATHOLIC BISHOPS/MIGRATION & REFUGEE SERVS. (Nov. 2004), available at <https://www.issuelab.org/resource/a-guide-for-legal-advocates-providing-services-to-victims-of-human-trafficking.html> (last visited OCT. 18, 2021).

¹⁹ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 7-8 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

²⁰ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 9 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

commercial sex act. In CP applications related to sex trafficking, the CCHT will also look for indicators that the sex act was commercial, that is, in exchange for something of value.”²¹

3. In adjudicating Continued Presence requests CCHT conducts background checks to rule out national security or public safety threats and approves the application after determining that the applicant is a victim of a severe form of human trafficking who may be a potential witness or who has filed a federal civil action against their trafficker.²²
 - Continued Presence is initially granted for two years and extensions may be granted. To receive more permanent legal status that includes a path to lawful permanent residency Continued Presence recipients will need to apply for T visas.²³ In order to provide full protection and stability for the victim, CCHT strives to ensure that there is no gap in protections between Continued Presence and the victim’s receipt of a T visa.²⁴
4. When the CCHT approves a Continued Presence application for a trafficking victim, notification is sent to HHS Office on Trafficking in Persons (HHS OTIP) and United States Citizenship and Immigration Services (USCIS) so that the agencies work together to provide trafficking victims granted Continued Presence as quickly as possible with:²⁵
 - Documentation of Continued Presence (I-94) issued by USCIS
 - An employment authorization document (EAD) issued by USCIS
 - An HHS Certification Letter for adult victims of human trafficking²⁶ or an HHS eligibility letter for child victims of human trafficking.²⁷ These documents are needed to demonstrate eligibility for federal and state public benefits.
5. Government officials can also seek protection for family members of victims of severe forms of human trafficking through “Significant Public Benefit Parole”²⁸ which allows certain family members to join Continued Presence recipients in the U.S. including
 - For under 21 year old children with Continued Presence their spouse, child, parent or unmarried siblings under the age of 18;
 - For adult Continued Presence recipients their spouse or children; and
 - Parents or siblings of any Continued Presence recipient who is in present danger due to the trafficking victim’s escape from trafficking or cooperation in an investigation or prosecution of the trafficking.

Qualifying for T visa Status

To obtain a T visa, the victim must prove the following four requirements.²⁹ The applicant:

²¹ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 7 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

²² See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 11 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

²³ See U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, *Continued Presence: Temporary Immigration Designation for Victims of Human Trafficking* (2019), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Pamphlet-2019.pdf>

²⁴ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 11 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

²⁵ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 11 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

²⁶ See OFFICE ON TRAFFICKING IN PERSONS, *Use your [HHS Certification] letter to apply for benefits and services*, available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/adult_certification_handout_0-1.pdf.

²⁷ See OFFICE ON TRAFFICKING IN PERSONS, *Use your [HHE Eligibility] letter to apply for benefits and services*, available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/child_eligibility_handout.pdf.

²⁸ See CTR. FOR COUNTERING HUMAN TRAFFICKING, CONTINUED PRESENCE RESOURCE GUIDE 14 (2021), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/Continued-Presence-Resource-Guide-2021.pdf>.

²⁹ See Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386 (2000). See also *Victims of Human Trafficking: T Nonimmigrant Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVS. (OCT. 3, 2011), available at <https://www.uscis.gov/humanitarian/victims-of-human->

- Is or has been the victim of a severe form of human trafficking;³⁰
- Is in the United States, American Samoa, or at a port-of-entry to the United States or American Samoa on account of human trafficking;³¹
- Would suffer extreme hardship involving unusual and severe harm if removed from the United States;³² and
- Satisfies one of the following three conditions:³³
 - The victim has cooperated and is willing to cooperate with reasonable requests for assistance by federal, state, or local law enforcement in investigating or prosecuting crimes related to human trafficking; or
 - The victim is under 18 years of age; or
 - The victim is excused from failing to cooperate with reasonable requests for assistance by federal, state, or local law enforcement in investigating or prosecuting crimes related to human trafficking because of physical or psychological trauma.

How to apply for a T visa

1. The adult or child human trafficking victim files a T visa application with the VAWA Unit of the USCIS Vermont Service Center.
2. As part of a victim centered approach USCIS encourages government officials (e.g. judges, law enforcement, prosecutors, child and adult protective services, departments of labor, the EEOC) to provide signed T visa declarations for immigrant victims of human trafficking. The declaration is an optional form of evidence that helps applicants demonstrate their trafficking victimization and justice system participation.³⁴
 - a. The declaration form can also be completed for a victim who has suffered physical or emotional trauma. In these cases the certifier can provide information in Part D of the form documenting their findings about the trauma the victim has suffered.³⁵
3. T Visa applicants can also file a separate application for T visa benefits for certain family members who are either in the U.S. or abroad.³⁶
 - a. Child trafficking victims under 21 at the time of filing qualifying relatives include their spouse, children, parents, and unmarried siblings under the age of 18;
 - b. Adult trafficking victims' qualifying family includes their spouse and unmarried children;
 - c. If they are in present danger of retaliation as a result of the trafficking victim's escape from the trafficking or cooperation with law enforcement, prosecutors, or the courts, the following family members of any trafficking victim without regard to age can receive T visa protection: the trafficking victim's grandchild, spouse's child, sibling, niece or nephew.
4. Once the application is received, the applicant will be notified about going to the U.S. Citizenship and Immigration Service Application Support Center for fingerprints to be taken.

[trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status](https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status) (last visited Oct. 18, 2021); *Questions and Answers: Victims of Human Trafficking, T Nonimmigrant Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVS., <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-of-human-trafficking-t-nonimmigrant-status> (last visited Oct. 18, 2021).

³⁰ 22 U.S. Code § 7102(11) and (12)

³¹ 8 C.F.R. 214.11(g)

³² 8 C.F.R. 214.11(i)

³³ 8 C.F.R. 214.11(h)

³⁴ See U.S. DEP'T OF HOMELAND SECURITY, T VISA LAW ENFORCEMENT RESOURCE GUIDE iii (2021), available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/t_leva_guide_10182021_v2_508_sp_508.pdf.

³⁵ See U.S. DEP'T OF HOMELAND SECURITY, T VISA LAW ENFORCEMENT RESOURCE GUIDE 7, 9 (2021), available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/t_leva_guide_10182021_v2_508_sp_508.pdf.

³⁶ See U.S. DEP'T OF HOMELAND SECURITY, T VISA LAW ENFORCEMENT RESOURCE GUIDE 14 (2021), available at https://niwaplibrary.wcl.american.edu/wp-content/uploads/t_leva_guide_10182021_v2_508_sp_508.pdf.

5. Vermont Service Center will determine whether the applicant is to receive *bona fide* because the following conditions are met.³⁷ The application:
 - a. Is complete and properly filed,
 - b. Contains law enforcement agency endorsement or credible secondary evidence,
 - c. Includes completed fingerprint and background checks,
 - d. Presents *prima facie* evidence to show eligibility for a T visa, and
 - e. Contains no indication of fraud.
6. When T visa applicants receive bona fide determinations they are granted deferred action, work authorization and their case is referred to HHS OTIP to be issued an HHS certification letter (adult trafficking victims) or an HHS eligibility letter (child victims).³⁸ This bona fide determination protects the victim until the Vermont Service Center issues a final decision on the T visa application.
7. If the T visa is approved, the visa is valid for four years.³⁹
8. T visa recipient may apply for lawful permanent residency after one of the following occurs:⁴⁰
 - a. The victim must be continually physically present in the U.S. with a T visa for three years; or
 - b. The victim received a certification from law enforcement or prosecutors confirming that the investigation is complete

*How to receive federal and state public benefits after receiving Continued Presence status or a T visa*⁴¹

- Once HHS OTIP has granted certification and eligibility letters, benefits granting agencies must accept these in lieu of immigration documentation.
- Some benefits programs may require that the benefits recipients have obtained a Social Security Number. If a Social Security Number is required for eligibility of benefits⁴² (e.g., Public or Assisted Housing,⁴³ Medicaid, TANF, Food Stamps), the agency must grant the trafficking victim benefits while they are in the process of obtaining a social security number from the Social Security Administration.

Federal and State Public Benefits and Other Government Funded Programs Available to Trafficking Victims⁴⁴

In all states trafficking victims who receive T visas or Continued Presence have greater access to federal and state public benefits compared to VAWA self-petitioners, U visa recipients and applicants and Special Immigrant Juvenile Status Children.⁴⁵ Trafficking victims who have T visas or who have received HHS

³⁷ 8 C.F.R. 214.11(e)

³⁸ See *Certification Letters*, OFFICE ON TRAFFICKING IN PERSONS (Nov. 6, 2020), available at <https://www.acf.hhs.gov/otip/victim-assistance/certification>.

³⁹ See INA § 214(o)(7)(A).

⁴⁰ See INA § 245(l).

⁴¹ See *State Letter #01-13: The Trafficking Victims Protection Act of 2000*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT (May 3, 2001), available at <https://www.acf.hhs.gov/archive/otip/policy-guidance/state-letter-01-13> (last visited Dec. 31, 2021).

⁴² See DEPARTMENT OF HEALTH AND HUMAN SERVICES AND DEPARTMENT OF AGRICULTURE, *Policy Guidance Regarding Inquiries into Citizenship, Immigration Status, and Social Security Numbers in State Applications for Medicaid, State Children's Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF), and Food Stamp Benefits* (Jul. 26, 2013), available at <https://www.hhs.gov/civil-rights/for-individuals/special-topics/national-origin/tri-agency/index.html> ("Under Medicaid, TANF, and Food Stamps, family members who are applicants, and who do not have SSNs, must apply for one, but the state may not delay, deny or discontinue assistance pending the issuance of their SSNs. State and local agencies also must assist applicants to apply for SSNs.")

⁴³ See Limayli Huguet and Leslye E. Orloff, *Obtaining Non-work Social Security Numbers Needed by VAWA Self-Petitioners to Maintain Public and Assisted Housing (Section 214 Housing)* (Nov. 7, 2019), available at <https://niwaplibrary.wcl.american.edu/pubs/non-work-ssns-va-wa-self-petitioners>.

⁴⁴ See generally *Fact Sheet: Victim Assistance*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT (AUG. 7, 2012), available at <https://www.acf.hhs.gov/orr/fact-sheet/fact-sheet-victim-assistance-english> (last visited Oct. 18, 2021).

⁴⁵ See Jordan Tacher, Aditi Kumar, Abigail Whitmore, and Leslye E. Orloff, *U-Visa Victim Immigration and Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Oct. 1, 2014), available at <https://niwaplibrary.wcl.american.edu/pubs/u-visa-benefits-benchmark>; Jordan Tacher, Abigail Whitmore and Leslye E. Orloff, *VAWA Public Benefits Eligibility Process: VAWA Self-petitioners, VAWA Cancellation of Removal, VAWA Suspension of Deportation, and Battered Spouse Waiver Applicants*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Apr. 17, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/vawa-eligibility-process>; *Special Immigrant Juvenile Public Benefits Eligibility Process*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (forthcoming 2022), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/SIJS-Benefits-Eligibility-Benchmark.pdf>. See also, Danies Enos, Jordan Tacher, Leslye E. Orloff and David Stauffer, *Bench Card on Immigrant Crime Victim's and*

certification or eligibility letters usually based on having been approved for Continued Presence or having received a bona fide determination in a T visa case, have the same access to public benefits and publicly funded services similar to the access to these services provided to refugees. T visa applicants who are granted T visas or who receive bona fide determinations in their T visa cases become qualified immigrants. For some public benefits programs as qualified immigrants T visa holders can continue to receive certain public benefits for longer than refugees. In addition to the state funded benefits that may be offered in the T visa applicant's state,⁴⁶ the following list provides details about when T visa applicants become eligible for the following publicly funded benefits and services:

The Department of Agriculture

- Supplemental Nutrition Assistance Program (SNAP formerly Food Stamps)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁴⁷
- Federal Crop Insurance—*open to all, no immigrant restrictions.*⁴⁸
- Special Supplemental Nutrition Program for Women, Infants and Children (WIC)—*open to all, no immigrant restrictions*⁴⁹
- Section 515 and Section 514/516 programs receiving Rural Development rental assistance—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁰
- Rural Development Voucher Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵¹
- Section 514 Farm Labor Housing—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵²
- Section 502 Direct Homeownership Loan Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵³
- Section 504 Minor Rehabilitation Loan and Grant Programs for Single Family Homes—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁴

Department of Education

- Title IV Federal Student Financial Aid—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁵

Children's Access to Public Benefits and Services, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Dec. 31, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-bchcrd-pubbenefits> (Includes information on publicly funded benefits and services open to all persons without regard to immigration status. These benefits and services are available to help human trafficking victims before they file for and receive HHS certification or eligibility letters as a result of having filed for continued presence or a T visa.)

⁴⁶ For comprehensive information on benefits available to T visa applicants and holders in the states, see *All State Public Benefits Chars and Map* (2021), NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

⁴⁷ 8 U.S.C. §§ 1612(a)(2)(A)(i). For more information on SNAP eligibility, see *Supplemental Nutrition Assistance Program*, U.S. DEP'T OF AGRIC. (JAN. 30, 2013), <https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program> (last visited Oct. 18, 2021).

⁴⁸ See Bulletin No: MGR-05-008 Eligibility for Federal Crop Insurance Benefits for Non-Citizens without a Social Security Number (SSN), U.S. DEP'T OF AGRIC. (May 26, 2005), available at <https://legacy.rma.usda.gov/news/managers/2005/PDF/mgr-05-008.pdf> (last visited Dec. 31, 2021).

⁴⁹ For more information on WIC eligibility and how to apply for the benefits, see *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited Dec. 29, 2021).

⁵⁰ See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter And Rental Housing Assistance Are Available To Immigrant Survivors During COVID-19?* 2-3 (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

⁵¹ Id.

⁵² Id.

⁵³ See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

⁵⁴ Id.

⁵⁵ Trafficking victims are eligible for the same Title IV funds available to refugees. For more information, see U.S. DEP'T OF EDUC., *Eligibility for Title IV Program Assistance for Victims of Human Trafficking* (Jun. 2009), available at <https://fsapartners.ed.gov/sites/default/files/attachments/dpcletters/GEN0609.pdf> (last visited Dec. 31, 2021).

The Department of Health and Human Services⁵⁶

- Adoption Assistance—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁷
- Administration on Developmental Disabilities (ADD)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁸
 - State Developmental Disabilities Councils (direct services only)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁵⁹
 - ADD-Special Projects (direct services only)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶⁰
 - ADD-University Affiliated Programs (clinical disability assessment services only)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶¹
- Adult Programs/Payments to Territories—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶²
- Agency for Health Care Policy and Research Dissertation Grants—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶³
- Child Care and Development Fund (CCDF)—*open to all persons without regard to immigration status.*⁶⁴
- Clinical Training Grant for Faculty Development in Alcohol & Drug Abuse—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶⁵
- Foster Care—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶⁶
- Health Profession Education and Training Assistance—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶⁷
- Independent Living Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁶⁸
- Low Income Heating Energy and Assistance Program (LIHEAP)—*eligible upon receipt of HHS certification or eligibility letter or T visa.*⁶⁹
 - Residential Energy Assistance Challenge Option (REACH)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁷⁰

⁵⁶ See DEP'T OF HEALTH AND HUMAN SERVS., Interpretation of "Federal Public Benefit," 63 Fed. Reg. 41,658, 41,659 (Aug. 4, 1998) (PRWORA does not identify the specific benefits that are 'Federal public benefits,' and the definition in section 401(c), standing alone, does not provide sufficient guidance for benefit providers to make that determination. Thus, HHS is published a list of HHS programs that are Federal Public Benefits and therefore are only open to qualified immigrants.) [hereinafter HHS Guidance].

⁵⁷ HHS Guidance at 41,658.

⁵⁸ HHS Guidance at 41,658.

⁵⁹ HHS Guidance at 41,658.

⁶⁰ HHS Guidance at 41,658.

⁶¹ HHS Guidance at 41,658.

⁶² HHS Guidance at 41,658.

⁶³ HHS Guidance at 41,658.

⁶⁴ For information on CCDF child care eligibility for immigrant victims see *Guide to Immigrant Eligibility for Federal Programs*, NAT'L IMMIGRATION LAW CTR., <https://www.nilc.org/issues/economic-support/updatepage/> (last visited Oct. 25, 2021); see also Banish Anver and Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare>.

⁶⁵ HHS Guidance at 41,658.

⁶⁶ HHS Guidance at 41,658.

⁶⁷ HHS Guidance at 41,658.

⁶⁸ HHS Guidance at 41,658.

⁶⁹ See *Summary of Immigrant Eligibility Restrictions Under Current Law*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. (Feb. 25, 2009), <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml> (last visited Oct. 25, 2021). Trafficking victims with HHS OTIP certification or eligibility letters receive LIHEAP to the same extent as refugees. T visa applicants with bona fide determinations or T visa approvals receive LIHEAP as qualified immigrants. See *LIHEAP Eligibility Criteria*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (May 8, 2012), <http://www.acf.hhs.gov/programs/ocs/resource/liheap-eligibility-criteria> (last visited Oct. 25, 2021). For more details and information about how to apply for LIHEAP, see *Low Income Home Energy Assistance Program (LIHEAP)*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <http://www.acf.hhs.gov/programs/ocs/programs/liheap> (last visited Oct. 25, 2021).

⁷⁰ See *Residential Energy Assistance Challenge (REACH)*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://liheapch.acf.hhs.gov/reach.htm>.

- Medicare Premium Free - Part A—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁷¹
- Medicare Premium “Buy In” Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa subject to 5-year bar.*⁷²
- Medicaid —*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁷³
 - State funded health care—*in a limited number of states, may be eligible for state funded health care earlier in the process based on state eligibility requirements.*⁷⁴
- Emergency Medicaid—*open to all persons without regard to immigration status.*⁷⁵
- Mental Health Clinical Training Grants—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁷⁶
- Substance Abuse and Mental Health Services—*eligible upon receipt of HHS certification or eligibility letter, or T visa, subject to 5-year bar unless state funded,⁷⁷ covered by Emergency Medicaid,⁷⁸ or provided to human trafficking victims or federally funded Substance Abuse Treatment Facilities.*⁷⁹
- Health Resources and Services Administration Programs (HRSA)—*open to all, no immigrant restrictions.*⁸⁰
- Health screenings and immunizations—*available to uninsured people without regard to immigration status through public health clinics.*⁸¹
- Native Hawaiian Loan Program—*not eligible*⁸²
- Refugee Cash Assistance—*For the first 8 months after HHS certification or eligibility letter, or T visa.*⁸³

⁷¹ Eligibility for assistance is based on authorized employment. Immigrant applicant must be lawfully residing. For the definition of “lawfully residing,” see CENTERS FOR MEDICARE AND MEDICAID SERVICES, *Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women* (Jul. 1, 2010), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-HHSLawfullyResidingMedicaid-07.01.10-also-in-Qualified-Immigrants.pdf>.

⁷² Must be a lawful permanent resident who has resided continuously in the U.S. for at least 5 years.

⁷³ 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 Medicaid. See 8 U.S.C. § 1612(b)(2)(B).

⁷⁴ For a state by state analysis of state funded access to health care for immigrant crime victims, see *All State Public Benefits Charts and Map (2021)*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT, available at <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>.

⁷⁵ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (2016) <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

⁷⁶ HHS Guidance at 41,658.

⁷⁷ See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Jul. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>.

⁷⁸ See SARAH ANDREWS ET AL., *Chapter 17.1: Emergency Medicaid: Urgent Medical Services for Immigrant Crime Victims and Children*, EMPOWERING SURVIVORS: LEGAL RIGHTS OF IMMIGRANT VICTIMS OF SEXUAL ASSAULT (2016) <https://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid>.

⁷⁹ See generally *Services Available to Victims of Human Trafficking*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (May 2012), available at https://www.acf.hhs.gov/sites/default/files/documents/orr/traffickingservices_0.pdf (last visited Oct. 25, 2021); *Find Treatment*, SAMHSA, <https://www.samhsa.gov/find-treatment> (last visited Oct. 25, 2021). To find a substance abuse and/or mental health treatment program, see *Substance Abuse Treatment Facility Locator*, SAMHSA, <https://findtreatment.gov/> (last visited Mar. 22, 2013). Mental Health Resources: To find a mental health treatment program near you, see *Behavioral Health Treatment Facility Locator*, SAMHSA, <https://findtreatment.samhsa.gov/> (last visited Dec. 31, 2021); National Suicide Prevention Lifeline: call 1-800-273-TALK (8255). See also NAT’L SUICIDE PREVENTION LIFELINE, <http://www.suicidepreventionlifeline.org/> (last visited Mar. 22, 2013).

⁸⁰ To find an HRSA funded Health Care Center, see *Find a Health Center*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. HEALTH RES. AND SERVICES ADMIN., http://findahealthcenter.hrsa.gov/Search_HCC.aspx (last visited Mar. 22, 2013). HRSA offers health care and support to uninsured, underserved, and special needs populations. HRSA issues grants to federally funded health centers that are available to anyone regardless of their ability to pay. The health centers charge patients using a sliding fee scale, based on their income. Health centers provide well-care checkups, treatment for sick patients, complete care for pregnant patients, immunizations and checkups for children, dental care, prescription drugs, as well as mental health and substance abuse care.

⁸¹ Screenings are conducted by State or local health departments for the diagnosis, treatment and prevention of communicable diseases and other conditions of public health importance. This usually includes screening for tuberculosis (TB), parasites, and hepatitis B, as well as school vaccinations. See *Fact Sheet: Victim Assistance*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT (Aug. 7, 2012), <http://www.acf.hhs.gov/programs/orr/resource/fact-sheet-victim-assistance-english> (last visited Nov. 19, 2021).

⁸² Eligibility limited to Native Hawaiians and all Native Hawaiians are citizens. See also, HHS Guidance at 41,658.

⁸³ Helps victims ineligible for TANF or SSI. Requires registration and participation in for employment and employability services, unless specifically exempted by the state. Minors cannot receive the benefit if they cannot comply with employability requirements. The Refugee Cash program reimburses states for the cost of cash assistance provided to victims of a severe form of trafficking during the first eight months after receipt of ORR

- Refugee Medical Assistance—*For the first 8 months after HHS certification or eligibility letter, or T visa.*⁸⁴
- Refugee Support Services—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁸⁵
- Refugee Preferred Communities Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁸⁶
- Refugee Health Promotion—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁸⁷
- Services for Survivors of Torture—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁸⁸
- Refugee social services—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁸⁹
- Refugee Microenterprise Development—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹⁰
- Refugee Family Child Care Microenterprise Development—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹¹
- Refugee Individual Development Accounts—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹²
- Refugee Voluntary Agencies Matching Grant Program—*Trafficking victims must enroll within 31 days of ORR certification or eligibility letter, or T visa.*⁹³

certification or eligibility letters. For more information, see *Refugee Medical Assistance*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES, <https://www.acf.hhs.gov/orr/programs/cma/about> (last visited Nov. 19, 2021).

⁸⁴ The Refugee Medical Assistance (RMA) program provides short-term medical assistance to newly-arriving refugees and other populations who are eligible for ORR benefits. Refugee Medical Assistance is an important part of the larger Cash and Medical Assistance (CMA) program.

⁸⁵ Refugee Support Services funding helps refugees and other ORR populations gain economic independence by helping them find and maintain employment, preferably within a year of being enrolled in the program. See *Refugee Support Services*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-support-services> (last visited Dec. 31, 2021).

⁸⁶ The Preferred Communities (PC) program supports refugee and ORR-eligible populations with challenging needs that require special attention, including those with serious medical conditions, women at risk, and elderly refugees. See *Preferred Communities*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/rph> (last visited Dec. 31, 2021).

⁸⁷ The Refugee Health Promotion (RHP) grant program supports refugee health literacy and access to health and emotional wellness services. See *Refugee Health Promotion*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/preventive-health> (last visited Dec. 31, 2021).

⁸⁸ The Services for Survivors of Torture (SOT) program helps people who have been tortured in another country and are now living in the United States. See *Services for Survivors of Torture*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/services-survivors-torture> (last visited Dec. 31, 2021); *Domestic Healing Centers*, HEALTORTURE.ORG, <https://www.healtorture.org/content/domestic-healing-centers> (last visited Dec. 31, 2021).

⁸⁹ The services offered include but are not limited to supportive, employability services, and help addressing barriers to employment. See *About Refugee Social Services*, U.S. DEP'T OF HEALTH AND HUMAN SERVS OFFICE OF REFUGEE RESETTLEMENT, <http://www.acf.hhs.gov/programs/orr/programs/refugee-social-services/about> (last visited Nov. 19, 2021).

⁹⁰ The Microenterprise Development (MED) program helps ORR-served populations gain financial independence by providing loans and training to help them start, sustain, or expand a small business to support themselves and their families. See *Microenterprise Development*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/microenterprise-development> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or who were receiving services as a refugee minor when the court issues SIJS findings).

⁹¹ The Refugee Family Child Care Microenterprise Development (RFCCMED) program helps recently arrived refugees and other ORR eligible populations start and run family child care businesses in their homes to earn income that allows them to live independently. See *Refugee Family Child Care Microenterprise Development*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-family-child-care> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

⁹² The Individual Development Accounts (IDA) Program helps refugees and other ORR-eligible populations save toward an asset that will help increase financial independence. The program helps refugees understand what assets are, how the U.S. financial system works, and how to manage their money. See *Individual Development Accounts*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/ida> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

⁹³ See *Voluntary Agencies Matching Grant Program FY 2014 Program Guidelines*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (2014), available at https://www.acf.hhs.gov/sites/default/files/documents/orr/fy_2014_matching_grant_mg_program_guidelines_for_grantees.pdf (last visited Oct. 25,

- Refugee Career Pathways—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹⁴
- Refugee Wilson-Fish TANF Coordination Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹⁵
- Refugee Agricultural Partnership Project—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹⁶
- Refugee Ethnic Community Self-Help—*eligible upon receipt of HHS certification or eligibility letter, a T visa, or other eligible immigrant status*⁹⁷
- Services to Older Refugees—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹⁸
- Refugee School Impact Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*⁹⁹
- Youth Mentoring Program—*eligible upon receipt of HHS certification or eligibility letter, a T visa, or other eligible immigrant status*¹⁰⁰

2021). The Matching Grant program helps refugees and other ORR-eligible populations overcome barriers and quickly find jobs. The intent is for refugees to become financially independent in four to six months after arriving in the U.S. without accessing cash assistance programs. *See Voluntary Agencies Matching Grant Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/matching-grants> (last visited Dec. 31, 2021).

⁹⁴ The Refugee Career Pathways program helps enable refugees to achieve self-sufficiency by obtaining the necessary credentials, education, experience, and job skills to secure employment in professional and/or skilled career fields. *See Refugee Career Pathways*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-career-pathways> (last visited Dec. 31, 2021).

⁹⁵ The Wilson-Fish (WF) Temporary Assistance for Needy Families (TANF) Coordination Program (WF TCP) funds innovative approaches to provide more customized, culturally, and linguistically appropriate integrated services and resources for ORR-eligible families with children under the age of 18. The goal of WF TCP is to strengthen these families' abilities to navigate barriers, become economically self-sufficient, and improve their social and economic wellbeing. *See Wilson-Fish TANF Coordination Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/wilson-fish-tanf-coordination-program> (last visited Dec. 31, 2021) (Open to ORR eligible families with children under the age of 18. Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

⁹⁶ The Refugee Agricultural Partnership Project (RAPP) helps ORR-served populations lead rural farming and urban community gardening projects. RAPP works with the U.S. Department of Agriculture to provide the fresh produce to farmers markets and earn the participants a supplemental income. *See Refugee Agricultural Partnership Project*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/refugee-agricultural-partnership-project> (last visited Dec. 31, 2021). Eligible immigrants are populations served by ORR (Paroled refugees or asylees, refugees, asylees, Cuban and Haitian entrants, lawful permanent residents who were previously refugees, asylees, or Cuban/Haitian Entrants, Amerasians, Iraqi and Afghan Special Immigrants, victims of severe forms of human trafficking, unaccompanied minors granted U visas, and SIJS children who were in HHS custody or receiving services as a refugee minor when the court issues SIJS findings).

⁹⁷ The Ethnic Community Self-Help (ECSH) program supports ethnic community-based organizations in helping refugees adjust to life in America and integrate into the community. These organizations are particularly skilled in identifying and responding to the diverse needs of refugees and decide what activities to plan that will best benefit the communities they serve. *See Ethnic Community Self-Help*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/ethnic-community-self-help> (last visited Dec. 31, 2021). Eligible immigrant statuses are: Refugees, Asylees, Cuban/Haitian entrants, Special Immigrant Visa (SIV) holders, Amerasians, Victims of Trafficking, and Survivors of Torture.

⁹⁸ The Services to Older Refugees Program funds states and state-alternative programs to ensure that refugees age 60 and older have access to applicable services for the aging and to provide qualifying refugees with appropriate services not currently available in the community. *See Services to Older Refugees*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/services-older-refugees> (last visited Dec. 31, 2021).

⁹⁹ The Refugee School Impact (RSI) program provides grants to state and state-alternative programs to support school districts impacted by school-aged refugees and ORR eligible populations. Program services focus on new arrivals and those who have been in the U.S. five years or less and continue to face integration and academic challenges. Both youth and their families may receive services from the Refugee School Impact program. *See Refugee School Impact Program*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/school-impact> (last visited Dec. 31, 2021).

¹⁰⁰ The Youth Mentoring (YM) program funds grantees to match eligible youth ages 15-24 with mentors, who will support their successful integration and help them thrive. Grantees will also provide case management to support individual educational and career development goals. *See Youth Mentoring*, U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/youth-mentoring> (last visited Dec. 31, 2021); U.S. DEP'T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, Policy Letter 16-01: Documentation Requirements for the Refugee Resettlement Program (Oct. 1, 2015), *available at* <https://www.acf.hhs.gov/orr/policy-guidance/documentation-requirements-refugee-resettlement-program> (last visited Dec. 31, 2021). Eligible immigrants are: Refugees, Asylees, Cuban/Haitian entrants, Special Immigrant Visa (SIV) holders, Amerasians, Victims of Trafficking, Unaccompanied Minors with Special Immigrant Juvenile Status (SIJS), and Unaccompanied Minors who have U visas.

- Refugee Unaccompanied Minors Program—*eligible upon receipt of refugee status or have an eligible immigration status, and have applied for and been approved for either the Unaccompanied Refugee Minors Program (URM) and the Unaccompanied Children (UC) Program.*¹⁰¹
- Social Services Block Grant (SSBG)—*immigrant restrictions vary by state.*¹⁰²
- State Children’s Health Insurance Program (CHIP)—*eligible upon receipt of HHS certification or eligibility letter, or T visa. Must be under the age of 18 or pregnant.*¹⁰³
- Temporary Assistance for Needy Families (TANF)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹⁰⁴
 - State funded TANF Replacement Programs—*may be eligible prior to T visa or HHS certification or eligibility letter varies by state, subject to state eligibility requirements.*¹⁰⁵
- TANF Funded Child Care—*requires TANF eligibility*¹⁰⁶

Department of Homeland Security

- Emergency Disaster Assistance¹⁰⁷
- Disaster Assistance—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹⁰⁸

Department of Housing¹⁰⁹

- Unrestricted Housing Programs—*open to all immigrants no immigration restrictions.*¹¹⁰

¹⁰¹ The Unaccompanied Refugee Minors Program (URM) helps unaccompanied refugee minors develop appropriate skills to enter adulthood and to achieve social self-sufficiency. See *Unaccompanied Refugee Minors Program*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. OFFICE OF REFUGEE RESETTLEMENT, <https://www.acf.hhs.gov/orr/programs/refugees/urm> (last visited Dec. 31, 2021). Eligible immigrants include: Asylee, Cuban or Haitian entrant, Certain Minors with Special Immigrant Juvenile Status, Victims of Human Trafficking, U-Status recipients, Paroled Unaccompanied Afghan Minors.

¹⁰² States may choose whether to allow access for qualified immigrants. See *Summary of Immigrant Eligibility Restrictions*, DEP’T OF HEALTH AND HUMAN SVCS. (Feb. 25, 2009), available at <http://aspe.hhs.gov/hsp/immigration/restrictions-sum.shtml> (last visited Nov. 19, 2021).

¹⁰³ For the definition of “lawfully residing, see CENTERS FOR MEDICARE AND MEDICAID SERVICES, *Medicaid and CHIP Coverage of “Lawfully Residing” Children and Pregnant Women* (Jul. 1, 2010), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-HHSLawfullyResidingMedicaid-07.01.10-also-in-Qualified-Immigrants.pdf>. See also “*Lawfully Residing” Children and Pregnant Women Eligible for Medicaid and CHIP*, NAT’L IMMIGRATION LAW CTR. (Oct. 2021), available at <https://www.nilc.org/issues/health-care/lawfully-residing-medicaid-chip/> (last visited Oct. 25, 2021). When minor victims turn 21, their health care eligibility moves from SCHIP to Medicaid. Victims turning 18 may be eligible for Medicaid either because they are within 7 years of having received their ORR eligibility letter or because they are T visa applicants and 5 years have passed since they received a bona fide determination or approval of their T visa case. Once the child is granted a T-visa the victim is eligible for public benefits as a qualified immigrant and may receive benefits without the 7 year limitation.

¹⁰⁴ After 5 years of TANF trafficking victim eligibility, trafficking victims approved for T visas can maintain TANF eligibility as qualified immigrants. 8 U.S.C. 1641(c)(4) makes T visa recipients and applicants who have set forth a prima facie case qualified immigrants eligible for state and federal public benefits. To receive TANF prior to the human trafficking victim’s receipt of a T visa, adult victims need a HHS certification letter and victims under the age of 18 will need an eligibility letter from HHS Office on Trafficking in Persons.

¹⁰⁵ For a state by state analysis of state funded access to access to TANF, see See Leslye E. Orloff, *State-Funded Public Benefits Comparison Chart*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Jul. 22, 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>; Benish Anver and Leslye Orloff, *Eligibility for State Funded TANF Replacement Programs for Immigrant Crime Victims*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Dec. 15, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-tanf/>; Table 8, *State-Funded TANF Replacement Programs*, NAT’L IMMIGRATION LAW CTR. (Apr. 2020), available at https://www.nilc.org/issues/economic-support/guide_tanf/.

¹⁰⁶ For a state by state analysis of state funded access to access to TANF funded child care see Banish Anver and Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Mar. 13, 2013), available at <https://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare>.

¹⁰⁷ Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety. See *Disaster Assistance: Food, shelter, cash payments, loans, and other help for survivors of major disasters*, NAT’L IMMIGRATION LAW CTR., available at <https://www.nilc.org/issues/economic-support/disaster-help/> (last visited Nov. 19, 2021).

¹⁰⁸ Id.

¹⁰⁹ For a listing of all Public and Assisted Housing programs through HUD, see *HUD Programs and Immigrant Eligibility*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Feb. 8, 2017), available at <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Man-Ch16.2-HUDProgramsImmEligibility-7.10.13.pdf> (last visited Dec. 31, 2021). The first section of the appendix lists programs that are only available to “qualified immigrants.” The second section lists the remaining programs that are available to all immigrants regardless of their status.

¹¹⁰ See OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD’s Homeless Assistance Programs* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter and Rental Housing Assistance Are Available to Immigrant Survivors During COVID-19?* (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>; *Three Federal Agencies Issue Joint Agency Letter On Shelters and Transitional Housing*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Aug. 12, 2016), <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

- Short term shelter (emergency shelter and transitional housing)—*open to all immigrants who are victims of domestic violence, homeless, or abused, abandoned or neglected children.*¹¹¹
- Street Outreach Services—*open to all immigrants no immigration restriction.*¹¹²
- Safe Haven—*open to all immigrants no immigration restrictions.*¹¹³
- Rapid Re-Housing—*open to all immigrants no immigration restrictions.*¹¹⁴
- Federally-funded Transitional Housing where the grant recipient or subrecipient owns or leases the building used to provide the transitional housing—*open to all immigrants no immigration restrictions.*¹¹⁵
- Low Income Housing Tax Credit—*open to all immigrants no immigration restrictions.*¹¹⁶
- Section 202 Supportive Housing for the Elderly Program—*open to all immigrants no immigration restrictions.*¹¹⁷
- Section 811 Supportive Housing for Persons With Disabilities Program—*open to all immigrants no immigration restrictions.*¹¹⁸
- Section 221(d)(3) and (5) Multifamily Rental Housing For Moderate-Income Families—*open to all immigrants no immigration restrictions.*¹¹⁹
- Community Development Block Grant housing (CDBG)—*open to all immigrants no immigration restrictions.*¹²⁰
- HOME Program: HOME Investment Partnerships—*open to all immigrants no immigration restrictions.*¹²¹
- Home Opportunities for People with AIDs (HOPWA)—*open to all immigrants no immigration restrictions.*¹²²
- Indian Housing—*open to all immigrants no immigration restrictions.*¹²³
- Rental Rehabilitation—*open to all immigrants no immigration restrictions.*¹²⁴
- McKinney-Vento/HEARTH Act Programs—*open to all immigrants no immigration restrictions.*¹²⁵
- Home Ownership and Opportunity for People Everywhere (HOPE 2)—*open to all immigrants no immigration restrictions.*¹²⁶
- Rural Housing Preservation Grants—*open to all immigrants no immigration restrictions.*¹²⁷

¹¹¹ See *Three Federal Agencies Issue Joint Agency Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

¹¹² See *Programs of HUD*, U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT 19 (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf>; OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; Karlo Ng, Rafaela Rodrigues, and Lesyle E. Orloff, *What Shelter and Rental Housing Assistance Are Available to Immigrant Survivors During COVID-19?* (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>; *Three Federal Agencies Issue Joint Agency Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Aug. 12, 2016), available at <https://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing>.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ See OFFICE OF SPECIAL NEEDS ASSISTANCE PROGRAMS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, *The Personal Responsibility and Work Opportunity Act of 1996 and HUD's Homeless Assistance Programs* (Aug. 16, 2016), available at <https://niwaplibrary.wcl.american.edu/pubs/prwora-fact-sheet>; *Programs of HUD*, U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT (2020), available at <https://www.hud.gov/sites/dfiles/Main/documents/HUDPrograms2020.pdf> (last visited Nov. 19, 2021).

¹¹⁶ See generally NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ *Id.*

- Section 515 Rural Rental Housing Program—*open to all immigrants no immigration restrictions.*¹²⁸
- Section 538 Multifamily Loan Guarantees—*open to all immigrants no immigration restrictions.*¹²⁹
- Restricted Housing Benefits—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³⁰
 - Public Housing Programs—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³¹
 - Section 8 Housing Choice Voucher Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³²
 - Project-Based Section 8 Voucher Program—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³³
 - Section 236 Housing, with or without Rent Supplements (low-income units only)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³⁴
 - Rent Supplement housing—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³⁵
 - Section 235 Homeownership housing—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³⁶
 - Housing Development Grants (HoDAG) (low-income units only)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹³⁷

Department of Justice

- Victims of Crime (VOCA) Victim Compensation—*open to all victims without regard to immigration status except in Alabama*¹³⁸
- Victim Rights and Services - Federal Victim Witness Coordinators, Emergency Witness Assistance, Witness Security Program—*open to all, no immigrant restrictions*¹³⁹

¹²⁸ Id.

¹²⁹ Id.

¹³⁰ See generally, NAT'L HOUSING LAW PROJECT, *Federally Assisted Housing and Immigrant Eligibility Section 214 of the Housing and Community Development Act of 1980* (Jan. 2018), available at <https://niwaplibrary.wcl.american.edu/pubs/nhlp-federally-assisted-housing-and-immigrant-eligibility-jan-2018-1>; Karlo Ng, Rafaela Rodrigues, and Leslye E. Orloff, *What Shelter And Rental Housing Assistance Are Available To Immigrant Survivors During COVID-19?* 2-3 (Sept. 2021), available at <https://niwaplibrary.wcl.american.edu/pubs/faq-immigrant-survivors-housing-september-2021>.

¹³¹ Id.

¹³² Id.

¹³³ Id.

¹³⁴ Id.

¹³⁵ Id.

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ For state-specific details, see *State Links*, NAT'L ASS'N OF CRIME VICTIM COMP. BDS., <https://nacvcb.org/state-information/> (last visited Nov. 22, 2021). Generally, the victim must (a) report the crime promptly to law enforcement, and cooperate with police and prosecutors (many states allow exceptions to this requirement, particularly for child victims); (b) submit a timely victim compensation application (some states provide exceptions); (c) have a cost or loss not covered by insurance or another government benefit program; and (d) not have committed a criminal act or some substantially wrongful act that caused or contributed to the crime (domestic violence, sexual assault and human trafficking victims are not be considered to have contributed to the crime). Apprehension or conviction of the offender is not required. Only two states place immigrant restrictions on access to VOCA victim assistance (Alabama and Nevada), in both states trafficking victims with ORR certification or eligibility letters or T visas should be able to receive VOCA victim assistance to the same extent as refugees. For contact information for local crime victim service providers, see *Post-assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence – Medical Coverage and Services for Immigrants*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Sept. 13, 2017), available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation>. See also *Directory of Crime Victim Services*, OFFICE OF VIOLENCE AGAINST WOMEN, <http://ovc.ncjrs.gov/findvictimservices/search.asp> (last visited Mar. 22, 2013).

¹³⁹ These programs are available to trafficking victims involved in federal trafficking investigations or prosecutions. See generally *Services Available to Victims of Human Trafficking*, DEP'T OF HEALTH AND HUMAN SERVS. ADMIN. FOR CHILDREN AND FAMILIES (May 2012), https://www.acf.hhs.gov/sites/default/files/documents/orr/traffickingservices_0.pdf (last visited Dec. 31, 2021). For more information on victim and witness funds available, see *Formula Grants*, U.S. DEP'T OF JUSTICE, <http://www.ojp.usdoj.gov/ovc/grants/types.html#formulagrants> (last visited Dec. 31, 2021).

Department of Labor¹⁴⁰

- Employment—*vary by state and are available to trafficking victims with work authorization*¹⁴¹
 - One-Stop Career Centers Core and Intensive Services—*vary by state and are available to trafficking victims with work authorization*¹⁴²
 - Job Corps—*vary by state and are available to trafficking victims with work authorization*¹⁴³

Legal Services Corporation

- Legal Services Corporation—*funds can be used to represent victims of domestic violence, child abuse, elder abuse, sexual assault, stalking, human trafficking and other U visa listed criminal activities (can also assist with the application process for both Continued Presence and T-Visa)*¹⁴⁴

Social Security Administration

- Supplemental Security Income (SSI)—*eligible upon receipt of HHS certification or eligibility letter, or T visa.*¹⁴⁵

¹⁴⁰ All vary by state and are available to trafficking victims with work authorization.

¹⁴¹ Trafficking victims receive work authorization along with approval of their T visa cases or with an HHS certification or eligibility letter following approval of Continued Presence or a bona fide determination in a T visa case.

¹⁴² For more information and to find a job resource center, see *Service Locator*, Career One-Stop, <http://www.servicelocator.org/> (last visited Dec. 31, 2021).

¹⁴³ For employment opportunities, visit Job Corps, <https://www.jobcorps.gov/> (last visited Dec. 31, 2021).

¹⁴⁴ For further guidance, see Catherine Longville, Henrissa Bassey, & Leslye E. Orloff, *Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (Oct. 1, 2014), available at <https://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls>.

¹⁴⁵ For persons who are blind, disabled, or over 5 years of age with limited income and resources. Trafficking victims who become lawful permanent residents, who have been lawful permanent residents for 5 years and who have 40 quarters of work credit can be eligible for SSI as qualified immigrants after the 7-year eligibility for SSI as victims of human trafficking has expired. For more details, see *Supplemental Security Income (SSI) For Noncitizens*, U.S. SOCIAL SECURITY ADMIN., available at <https://www.ssa.gov/pubs/EN-05-11051.pdf> (last visited Dec. 31, 2021).