

Access to State-Funded^d Public Benefits in South Carolina for Survivors,

Based on Immigration Status^{bc}

By: Daniel Enos, Mary Ann McLean, Sarah Register and Leslye E. Orloff

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	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
	<i>Qualified Immigrant^d</i>		<i>HHS Certification</i>	<i>Lawfully Present^{d1}</i>			<i>Limited Benefits Eligibility^{d2}</i>	
TANF (Cash Assistance)	VAWA: Eligible with prima facie determination, ¹³ subject to five-year bar for those who arrived	<u>Refugee/Asylee:</u> Eligible for TANF regardless of date of entry. ²⁰	Human trafficking victims eligible; with HHS Certification (based on continued presence or a bona fide determination on a T	Not eligible. ²⁸	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on	No federal eligibility. ³⁷	Not eligible. ³⁸

^a Federally funded public benefits are in non-italicized typeface and *state-funded public benefits are italicized.*

^b © National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2025. This publication was developed under Grant Nos. SJI-15-T-234, SJI-22-T-037, SJI-23-T-043, and SJI-24-T-046 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute. This project was supported by Grant Nos. 15JOVW-21-GK-02208-MUMU and 15JOVW-23-GK-05119-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.

^c 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 “e”), 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.

^d See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: **lawful permanent residents (LPRs)**(For up-to-date details on LPR benefits eligibility see National Immigrant Law Center, Table 1, Overview of Immigrant Eligibility for Federal Programs (March 2023) https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/ and NIWAP’s Public Benefits Map <https://niwaplibrary.wcl.american.edu/benefits-map>); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parolee; Cuban/Haitian entrants; and certain battered immigrants. A battered immigrant is someone who: (1)(a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa status or whose T visa application sets forth a prima facie case.). For discussion of prima facie determinations by immigration judges in suspension of deportation and cancellation of removal cases for battered immigrants, see OFFICE OF THE CHIEF IMMIGRATION JUDGE, U.S. DEP’T OF JUSTICE, OPERATING POLICY AND PROCEDURE MEMORANDUM 97-9; MOTIONS FOR “PRIMA FACIE” DETERMINATION AND VERIFICATION REQUESTS FOR BATTERED SPOUSES AND CHILDREN, <http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/> (last visited Mar. 2, 2018).

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
TANF	<p>on or after August 22, 1996.¹⁴ (After the first 12 months may be subject to deeming).¹⁵</p> <p><u>Lawful permanent residents:</u> Eligible subject to five-year bar for those who arrived on or after August 22, 1996¹⁶ (may be subject to deeming)¹⁷</p> <p><u>Naturalized citizens:</u> Eligible without restrictions.¹⁸</p> <p><i>In South Carolina, if entered on or after August 22, 1996, VAWA self-petitioners and lawful permanent residents are eligible after attaining and after accruing 40 quarters of work credit, unless the VAWA self-petitioner or lawful permanent resident is a veteran, active duty military or the spouse, unmarried surviving spouse or</i></p>	<p><u>T visa:</u> with HHS certification or eligibility determination, eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.²¹</p> <p><u>T visa holders or bona fide applicants</u> are also eligible as qualified immigrants, subject to five-year bar for those who entered on or after August 22, 1996.²²</p> <p><i>In South Carolina, if entered on or after August 22, 1996, refugees, asylees and T visa holders with prima facie (bona fide) determination are eligible during the five years after obtaining status.²³</i></p>	<p>visa application) or with HHS eligibility determination (under 18).²⁵</p> <p>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.²⁶</p> <p>Family members with T visa status are eligible without HHS certification or determination; they are eligible to the same extent as refugees and thus eligible regardless of date of entry.²⁷</p>		<p>on or after August 22, 1996.²⁹ (may be subject to deeming).³⁰</p> <p><i>In South Carolina, if entered on or after August 22, 1996, upon lawful permanent residency SIJS holders are eligible after accruing 40 quarters of work credit.³¹</i></p> <p><i>Exception, an SIJS child with lawful permanent residency is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran they are eligible without any accrual of quarters of work credit requirement.³²</i></p>	<p>or after August 22, 1996³³ (may be subject to deeming).³⁴</p> <p><i>In South Carolina, if entered on or after August 22, 1996, upon lawful permanent residency U visa holders are eligible after accruing 40 quarters of work credit.³⁵</i></p> <p><i>Exception, a U visa holder is eligible if they are a veteran, active duty military or the spouse, unmarried surviving spouse or a child of a veteran, they are eligible without any accrual of quarters of work credit requirement.³⁶</i></p>		

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
TANF	<i>child of a veteran, then they are eligible regardless of work credit.¹⁹</i>	<i>Exception when the refugee, asylees or T visa holder is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.²⁴</i>						
Child Care	Children with VAWA prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care. ³⁹ TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996. ⁴⁰	Children who are <u>asylees or refugees</u> are eligible for CCDF-funded child care and TANF-funded child care. ⁴³ <u>T visa</u> : Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees. ⁴⁴ Children who are T visa holders or applicants	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 and TANF-funded child care. ⁴⁹ Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Child care is subject to Head	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Child Care	<p><u>Naturalized citizens:</u> Eligible without restrictions.⁴¹</p> <p><i>In South Carolina, if entered on or after August 22, 1996 VAWA self-petitioners are eligible for TANF-funded child care if they have attained lawful permanent residency and after accruing 40 quarters of work credit, unless the VAWA self-petitioner is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran, then they are eligible regardless of work credit.⁴²</i></p>	<p>with prima facie (bona fide) determination are eligible for CCDF-funded child care.⁴⁵ They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.⁴⁶</p> <p><i>In South Carolina, refugees, asylees, and T visa holders with prima facie (bona fide) determination are eligible for TANF-funded child care during the first five years after attaining status.⁴⁷</i></p> <p><i>Exception when the refugee, asylees or T visa holder is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are</i></p>	<p>eligibility determination.⁵⁰</p> <p><i>In South Carolina, T visa holders with prima facie (bona fide) determination and trafficking survivors with Continued Presence are eligible for TANF-funded child care during the first five years after attaining status.⁵¹</i></p> <p><i>Exception when a T visa holder is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.⁵²</i></p>	<p>Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.⁵³</p>	<p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁵⁴</p> <p>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.⁵⁵ Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.⁵⁶</p> <p><i>In South Carolina, upon lawful permanent residency, SIJS holders are eligible for TANF-funded child care after accruing 40 quarters of work credit.⁵⁷</i></p> <p><i>Exception, an SIJS child with lawful permanent residency is eligible</i></p>	<p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁵⁹</p> <p>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.⁶⁰ Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.⁶¹</p> <p><i>In South Carolina, upon lawful permanent residency, U visa holders are eligible for TANF-funded child care after accruing 40 quarters of work credit.⁶²</i></p> <p><i>Exception, a U visa holder is eligible if they are a veteran, active duty military or the spouse, unmarried surviving</i></p>	<p>during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.⁶⁴</p>	<p>during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.⁶⁵</p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Child Care		<i>eligible past the five year limitation.⁴⁸</i>			<i>if they are a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran they are eligible without any accrual of quarters of work credit requirement.⁵⁸</i>	<i>spouse or a child of a veteran, they are eligible without any accrual of quarters of work credit requirement.⁶³</i>		
SNAP (Food Stamps) ⁶⁶	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. ⁶⁷ <u>Naturalized citizens:</u> Eligible without restrictions. ⁶⁸	<u>Refugee/Asylee:</u> Eligible with no additional conditions. ⁶⁹ <u>T visa:</u> Eligible with prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled). ⁷⁰ Also eligible under the Trafficking Victims Protection Act to the same extent as refugees. ⁷¹	Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18). ⁷² Family members with T visa status eligible without HHS certification or eligibility determination. ⁷³ These human trafficking victims are eligible to the same extent as refugees and	Not eligible.	Eligible upon receiving lawful permanent residency, subject to an additional condition, ⁷⁵ e.g.: under 18, ⁷⁶ five years residency, ⁷⁷ 40 qualifying work quarters, ⁷⁸ or disabled. ⁷⁹	Eligible upon receiving lawful permanent residency, subject to an additional condition, ⁸⁰ e.g.: under 18, ⁸¹ five years residency, ⁸² 40 qualifying work quarters, ⁸³ elderly, ⁸⁴ or disabled. ⁸⁵	Not eligible.	Not eligible.

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
SNAP (Food Stamps)			thus are eligible with no additional conditions. ⁷⁴					
The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	<p>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.⁸⁶ Applicants must live in the state in which they apply, but are not required to live there for a certain amount of time in order to meet the WIC residency requirement.⁸⁷ Applicants must also have an income at or below an income level or standard set by the State agency or be determined automatically income-eligible based on participation in certain programs (TANF, SNAP benefits, Medicaid).⁸⁸</p> <p><i>In South Carolina, applicants should apply at the WIC office within their county.⁸⁹ The income eligibility requirement for a parent or guardian, who is the sole provider of children under age five, is to have a yearly household income at or below 185% of the federal poverty level.⁹⁰</i></p>							
Health Insurance on Exchanges ^e	Eligible with VAWA prima facie determination, ⁹¹ as a lawful permanent resident, ⁹² or naturalized citizen. ⁹³	<u>Refugee</u> : Eligible. ⁹⁴ <u>Asylee</u> : Eligible; applicants eligible if granted work authorization,	Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or	Eligible upon being granted Deferred Action for Childhood Arrivals (DACA). ¹⁰¹	Eligible upon filing SIJS application. ¹⁰²	Eligible upon U visa, bona fide determination, ¹⁰³ or wait list approval. ¹⁰⁴	Not eligible. ¹⁰⁵	Not eligible. ¹⁰⁶

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

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Health Insurance on Exchanges^f		<p>applicants under 14 eligible if application pending at least 180 days.⁹⁵</p> <p><u>T visa</u>: Eligible with prima facie (bona fide) determination on T visa application.⁹⁶</p> <p><u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are eligible to the same extent as refugees.⁹⁷</p>	<p>with an HHS eligibility determination (under 18).⁹⁸</p> <p>Family members with T visa status eligible without HHS certification or eligibility determination.⁹⁹</p> <p>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.¹⁰⁰</p>					
Child Health Insurance Program (CHIP)¹⁰⁷	<p>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, 1996.¹⁰⁸</p> <p>Naturalized citizens eligible.¹⁰⁹</p>	<p><u>Refugee/Asylee</u>: Eligible, exempt from five-year bar.¹¹⁶</p> <p><u>T visa</u>: 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.¹¹⁷</p>	<p>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).¹²⁵</p> <p>Family members with T visa status are eligible without HHS Certification or</p>	<p>Eligible for emergency Medicaid¹³³ and payments for the costs of Medical Forensic Examinations (including rape kits)¹³⁴ regardless of immigration or citizenship status.</p>	<p>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.¹³⁸</p> <p>Eligible for emergency Medicaid¹³⁹ and payments for the costs of Medical</p>	<p>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.¹⁴⁴</p> <p>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.¹⁴⁵</p>	<p>Eligible for emergency Medicaid¹⁵¹ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁵² regardless of immigration or citizenship status.</p>	<p>Eligible for emergency Medicaid¹⁵³ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁵⁴ regardless of immigration or citizenship status.</p>

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

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CHIP	<p>Eligible for emergency Medicaid¹¹⁰ and payments for the costs of Medical Forensic Examinations (including rape kits)¹¹¹ regardless of immigration or citizenship status.</p> <p><i>In South Carolina,¹¹² CHIP is available for lawfully present¹¹³ children and pregnant children (including VAWA self-petitioning children with prima facie determinations¹¹⁴ and lawful permanent residents) regardless of date of entry.¹¹⁵</i></p>	<p><u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are eligible to the same extent as refugees.¹¹⁸</p> <p><u>T visa holders and T visa applicants</u> with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.¹¹⁹</p> <p>Eligible for emergency Medicaid¹²⁰ and payments for the costs of Medical Forensic Examinations (including rape kits)¹²¹ regardless of immigration or citizenship status.</p> <p><i>In South Carolina,¹²² CHIP is available for lawfully present¹²³ children and pregnant children (including refugees, asylees, T visa</i></p>	<p>eligibility determination.¹²⁶</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.¹²⁷</p> <p>Eligible for emergency Medicaid¹²⁸ and payments for the costs of Medical Forensic Examinations (including rape kits)¹²⁹ regardless of immigration or citizenship status.</p> <p><i>In South Carolina,¹³⁰ CHIP is available for lawfully present¹³¹ children and pregnant children (including human trafficking victims with HHS certification or eligibility letters) regardless of date of entry.¹³²</i></p>	<p><i>In South Carolina,¹³⁵ CHIP is available for lawfully present¹³⁶ children and pregnant children (including DACA recipients).¹³⁷</i></p>	<p>Forensic Examinations (including rape kits)¹⁴⁰ regardless of immigration or citizenship status.</p> <p><i>In South Carolina,¹⁴¹ CHIP is available for lawfully present¹⁴² children and pregnant children (including SIJS applicants) regardless of date of entry.¹⁴³</i></p>	<p>Eligible for emergency Medicaid¹⁴⁶ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁴⁷ regardless of immigration or citizenship status.</p> <p><i>In South Carolina,¹⁴⁸ CHIP is available for lawfully present¹⁴⁹ children and pregnant children (including U visa holders and U visa applicants with bona fide determinations or waitlist approvals) regardless of date of entry.¹⁵⁰</i></p>		

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CHIP		<i>holders, and T visa applications with a bona fide determination) regardless of date of entry.¹²⁴</i>						
Full-Scope Medicaid¹⁵⁵	<p>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, 1996.¹⁵⁶</p> <p>Naturalized citizens eligible.¹⁵⁷</p> <p>Eligible for emergency Medicaid¹⁵⁸ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁵⁹ regardless of immigration or citizenship status.</p> <p><i>In South Carolina, adult VAWA self-</i></p>	<p><u>Refugee/Asylee:</u> Eligible, exempt from five-year bar.¹⁶³</p> <p><u>T visa :</u> 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.¹⁶⁴</p> <p><u>T visa holders and T visa applicants</u> with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.¹⁶⁵</p> <p><u>Afghans special immigrants and Afghan</u></p>	<p>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).¹⁷⁴</p> <p>Family members with T visa status eligible without HHS Certification or eligibility determination.¹⁷⁵</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.¹⁷⁶</p> <p>Eligible for emergency Medicaid¹⁷⁷ and payments for the costs of Medical Forensic</p>	<p>Eligible for emergency Medicaid¹⁸⁵ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁸⁶ regardless of immigration or citizenship status.</p> <p><i>In South Carolina, CHIP is available for lawfully present¹⁸⁷ pregnant persons (including DACA recipients) regardless of date of entry.¹⁸⁸</i></p>	<p>Eligible for emergency Medicaid¹⁸⁹ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁹⁰ regardless of immigration or citizenship status.</p> <p>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.¹⁹¹</p> <p><i>In South Carolina, adult SIJS lawful permanent residents are only eligible for Medicaid after the</i></p>	<p>Eligible for emergency Medicaid¹⁹⁵ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁹⁶ regardless of immigration or citizenship status.</p> <p>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.¹⁹⁷</p> <p>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar.¹⁹⁸</p>	<p>Eligible for emergency Medicaid²⁰² and payments for the costs of Medical Forensic Examinations (including rape kits)²⁰³ regardless of immigration or citizenship status.</p>	<p>Eligible for emergency Medicaid²⁰⁴ and payments for the costs of Medical Forensic Examinations (including rape kits)²⁰⁵ regardless of immigration or citizenship status.</p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Full-Scope Medicaid	<p><i>petitioners and lawful permanent residents are only eligible for Medicaid after the 5-year bar and after accruing 40 quarters of work credit.¹⁶⁰</i></p> <p><i>In South Carolina, CHIP is available for lawfully present¹⁶¹ pregnant persons (including VAWA self-petitioners and lawful permanent residents) regardless of date of entry.¹⁶²</i></p>	<p><u>and Ukrainian parolees</u> are eligible to the same extent as refugees.¹⁶⁶</p> <p>Eligible for emergency Medicaid¹⁶⁷ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁶⁸ regardless of immigration or citizenship status.</p> <p><i>In South Carolina, CHIP is available for lawfully present¹⁶⁹ pregnant persons (including refugees, asylees, and T visa applications with bona fide determinations) regardless of date of entry¹⁷⁰ and no 7 year restriction applies.¹⁷¹</i></p> <p><i>In SC, refugees, asylees, and T visa holders who entered on or after Aug. 22, 1996, are only eligible for subsidized health care through Medicaid only during</i></p>	<p>Examinations (including rape kits)¹⁷⁸ regardless of immigration or citizenship status.</p> <p><i>In South Carolina during 7 years after obtaining status.¹⁷⁹</i></p> <p><i>In South Carolina, CHIP is available for lawfully present¹⁸⁰ pregnant persons (including T visa applications with bona fide determinations and trafficking victims with continued presence) regardless of date of entry¹⁸¹ and no 7 year restriction applies.¹⁸²</i></p> <p><i>In SC, T visa applicants with bona fide determinations or recipients of continued presence who entered on or after Aug. 22, 1996, are only eligible for subsidized health care through Medicaid during only the seven-</i></p>		<p><i>5-year bar and after accruing 40 quarters of work credit.¹⁹²</i></p> <p><i>In South Carolina, CHIP is available for lawfully present¹⁹³ pregnant persons (including SIJS applicants) regardless of date of entry.¹⁹⁴</i></p>	<p><i>In South Carolina, adult U visa recipients who gain lawful permanent residency are only eligible for Medicaid after the 5-year bar and after accruing 40 quarters of work credit.¹⁹⁹</i></p> <p><i>In South Carolina, CHIP is available for lawfully present²⁰⁰ pregnant persons (including U visa holders and U visa applicants with bona fide determinations or waitlist approvals) regardless of date of entry.²⁰¹</i></p>		

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Full-Scope Medicaid		<i>the seven-year period after obtaining status.¹⁷²</i> <i>Exception when refugees, asylees, and T visa holders are veterans, active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the seven year limitation.¹⁷³</i>	<i>year period after obtaining status.¹⁸³</i> <i>Exception when T visa applicants with bona fide determinations or recipients of continued presence are veterans, active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the seven year limitation.¹⁸⁴</i>					
Victims of Crime Act (VOCA) Compensation	The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship. ²⁰⁶							
Family Medical Leave Act – State Law	South Carolina has no state Family Medical Leave Act (FMLA). Federal FMLA law applies. ²⁰⁷							
Education-Federal Benefits:	VAWAs with prima facie determinations, Battered Spouse Waiver applicants, and	Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide)	Human trafficking victims eligible: with an HHS Certification (based on continued	Not eligible for federal student aid. ²¹³	Eligible for federal student aid upon receipt of lawful	Eligible for federal student aid upon receipt of lawful	Not eligible for federal student aid.	Not eligible for federal student aid.

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Federal Student Aid, Grants and Loans²⁰⁸	all lawful permanent residents, eligible. ²⁰⁹ Naturalized citizens, eligible. ²¹⁰	determination, an HHS Certification or eligibility letter are eligible for federal student aid. ²¹¹	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. ²¹²		permanent residency. ²¹⁴	permanent residency. ²¹⁵		
Education-State Law	<p>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.²¹⁶</p> <p><i>At its public postsecondary institutions, South Carolina only allows in-state tuition rates and access to institutional aid or scholarships for immigrant students with “lawful presence.”²¹⁷ To prove lawful presence, applicants will need to submit a Permanent Resident Card, current Visa documentation, and any other documents providing lawful status (a driver’s license is not sufficient).²¹⁸ All documentation will be verified through the Systematic Alien Verification for Entitlements (SAVE) program.²¹⁹ VAWA self-petitioners, T visa holders and trafficking victims with HHS certification or eligibility letters will qualify but may need secondary verification in the SAVE system.²²⁰</i></p> <p><i>At its public postsecondary institutions, South Carolina does not allow in-state tuition rates and access to institutional aid or scholarships for immigrant students.²²¹ Additionally, South Carolina does not allow undocumented students²²² or any other immigrants who are not considered s “not lawfully present” as defined by South Carolina described above, to enroll in any of its public postsecondary education institutions.²²³</i></p>							
Supplemental Security Income (SSI)²²⁴	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. ²²⁵ May also be eligible with a	<u>Refugees/Asylees:</u> Eligible during first seven years after the status was granted. ²³⁰ <u>Trafficking victims:</u> Eligible under the Victims of Trafficking and Violence Protection Act	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	Not eligible.	Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, ²³⁷ subject to five-year bar for those who arrived on or after August 22, 1996. ²³⁸	Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work ²³⁹ 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	Not eligible. ²⁴²	Not eligible. ²⁴³

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
SSI	<p>prima facie determination if currently receiving SSI based on an application filed before 1979.²²⁶</p> <p>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,²²⁷ subject to five-year bar for those who arrived on or after August 22, 1996.²²⁸ Naturalized citizens, eligible.²²⁹</p>	<p>of 2000 to the same extent as refugees.²³¹</p> <p><u>T visa</u>²³²: 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.²³³ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.²³⁴ This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.²³⁵</p>	<p>certification or eligibility determination) are eligible to the same extent as refugees.²³⁶</p>			<p>if lawfully residing in U.S. as of that date and now disabled.²⁴⁰ Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979.²⁴¹</p>		
Professional & Occupational Licenses	No state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.							
Driver's License ²⁴⁴	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. ²⁴⁵ The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status. ²⁴⁶ All documentation for REAL ID compliant ID's will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.). ²⁴⁷ DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS. ²⁴⁸ In addition, DHS permits states to establish an "Exception Process" and consider "Alternative Documents." ²⁴⁹						Not eligible.	

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Driver's License	<p><i>In South Carolina, driver's licenses are issued to immigrants authorized by the federal government to live, work, or study in the United States on a temporary or permanent basis. Applicants must be able to present documentation supporting this information, and any immigrants that are not lawful permanent residents will have their license expire on²⁵⁰:</i></p> <ul style="list-style-type: none"> <i>the expiration date of the driver's license applicant's authorized period of stay in the United States; or the expiration date of the driver's license applicant's employment authorization document²⁵¹</i> <ul style="list-style-type: none"> <i>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.²⁵²</i> <i>However, in no event shall a driver's license issued pursuant to this item expire less than one year or more than five years from the date of its issue.</i> <i>In addition, a person pending adjustment of status who presents appropriate documentation to the Department of Motor Vehicles shall be granted a one-year extension of their driver's license, which is renewable annually.</i> 							
Housing, Health, and Other Services Necessary to Protect Life or Safety	<p>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 or naturalized citizenship.²⁵³ Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services (including federally qualified health centers); mental health, disability, or substance abuse assistance necessary to protect life or safety; activities designed to protect the life or safety of workers, children and youths, or community residents; programs to help individuals during periods of adverse weather conditions.²⁵⁴</p> <p><i>The South Carolina Office of Economic Opportunity administers the Emergency Solutions Grant (ESG) Program to community based- shelters and traditional housing facilities, and non-profit organizations to provide housing and counseling assistance to the state's homeless population.²⁵⁵</i></p>							
Public and Assisted²⁵⁶ Housing,²⁵⁷ and Low-Income Housing Tax Credit (LIHTC) Housing²⁵⁸	Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility. ²⁵⁹	<u>Refugee/Asylee, T visa holder or T visa applicant</u> with prima facie (bona fide) determination eligible for: HUD public and assisted housing; ²⁷⁰	Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa	Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), ²⁸¹ and Section 514/516 Farm Labor Housing if immediate family member of eligible	Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), ²⁸⁴ and Section 514/516 Farm Labor Housing if immediate family member of eligible	Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), ²⁹¹ and Section 514/516 Farm Labor Housing if immediate family member of eligible	Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), ²⁹⁸ and Section 514/516 Farm Labor Housing if immediate	Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), ³⁰¹ and Section 514/516 Farm Labor Housing if immediate

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Public and Assisted Housing and LIHTC	<p>USDA rental housing follows HUD procedures for processing VAWA self-petitions,²⁶⁰ so should be eligible for all USDA rental housing unless and until a final determination of ineligibility.</p> <p>Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²⁶¹ and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.²⁶²</p> <p>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</p>	<p>USDA Section 515 Rural Rental Housing;²⁷¹ USDA Section 521 Rural Rental Assistance;²⁷² USDA Section 514/516 Farm Labor Housing if immediate family member²⁷³ or remaining household member²⁷⁴ of eligible domestic farm laborer.</p> <p>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.²⁷⁵</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>²⁷⁶</p>	<p>status (no need for HHS certification or eligibility determination),²⁷⁷ are eligible for: HUD public and assisted housing²⁷⁸ and USDA rental housing.²⁷⁹</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>²⁸⁰</p>	<p>domestic farm laborer.²⁸²</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>²⁸³</p>	<p>domestic farm laborer.²⁸⁵</p> <p>Upon receiving lawful permanent residency,²⁸⁶ eligible for HUD²⁸⁷ and USDA²⁸⁸ rental housing.²⁸⁹</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>²⁹⁰</p>	<p>domestic farm laborer.²⁹²</p> <p>Upon receiving lawful permanent residency,²⁹³ eligible for HUD²⁹⁴ and USDA²⁹⁵ rental housing.²⁹⁶</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>²⁹⁷</p>	<p>family member of eligible domestic farm laborer.²⁹⁹</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>³⁰⁰</p>	<p>family member of eligible domestic farm laborer.³⁰²</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.</i>³⁰³</p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Public and Assisted Housing and LIHTC	<p>Lawful permanent residents are eligible for public and assisted housing²⁶³ and for USDA Section 514/516 Farm Lab or Housing;²⁶⁴ USDA Section 521 Rural Rental Assistance.²⁶⁵</p> <p>Naturalized citizens are eligible for public and assisted housing²⁶⁶ and for USDA Section 514/516 Farm Lab or Housing;²⁶⁷ USDA Section 521 Rural Rental Assistance.²⁶⁸</p> <p><i>In South Carolina, may be eligible to live in Low Income Housing Tax Credit property.²⁶⁹</i></p>							
Income Tax Credits	<p><u>Child Tax Credit</u>: 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.³⁰⁴ A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).³⁰⁵ 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.³⁰⁶</p>							

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Income Tax Credits	<p><u>Child and Dependent Care Tax Credit:</u> 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—</p> <ul style="list-style-type: none"> • 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.³⁰⁷ <p>The child or dependent must have a social security number or ITIN.³⁰⁸ 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.³⁰⁹</p>							
Earned Income Tax Credit (EITC)	VAWA self-petitioners, lawful permanent residents, and naturalized citizens who ³¹⁰ : 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, ³¹¹ have a social security number valid for work, ³¹² and have earned income during the tax year ³¹³ are eligible for the earned income tax credit (EITC). ³¹⁴	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, ³¹⁵ have a social security number valid for work, ³¹⁶ and have earned income during the tax year ³¹⁷ are eligible for the earned income tax credit (EITC). ³¹⁸	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, ³¹⁹ have a social security number valid for work, ³²⁰ and have earned income during the tax year ³²¹ are eligible for the earned income tax credit (EITC). ³²²	DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, ³²³ have a social security number valid for work, ³²⁴ and have earned income during the tax year ³²⁵ are eligible for the earned income tax credit (EITC). ³²⁶	SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, ³²⁷ have a social security number valid for work, ³²⁸ and have earned income during the tax year ³²⁹ are eligible for the earned income tax credit (EITC). ³³⁰	Once granted lawful permanent residency ³³¹ 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, ³³² who have a social security number valid for work, ³³³ and who are earning income are eligible for the earned income tax credit (EITC). ³³⁴	Not eligible.	Not eligible.
Legal Services³³⁵	An immigrant who (or whose child) is battered or subjected to extreme cruelty ³³⁶ inside or outside of the	<u>Refugee/Asylee:</u> Refugees and Asylees are eligible for legal assistance on any matter the Legal Services	An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, ³⁵⁵ and	A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, ³⁶¹	Eligible for LSC-funded legal assistance when the child has suffered battering or extreme	An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply U	An immigrant who has (or whose child has) applied for, or qualifies	An immigrant victim who is (or whose child is), battered or subjected to

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Legal Services	<p>United States³³⁷ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.³³⁸</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,³³⁹ or spouses, parents, and unmarried children under age 21 of U.S. citizens³⁴⁰ become eligible for full representation on any matter upon filing an application for lawful permanent residency.³⁴¹</p> <p>Lawful permanent residents, applicants for lawful permanent residency,³⁴² and naturalized citizens³⁴³ are eligible for full representation.</p> <p>Eligible for Office of Violence Against</p>	<p>Corporation (LSC)-funded agency handles.³⁴⁸</p> <p><u>T visa:</u> An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa holder,³⁴⁹ is eligible for legal assistance on any matter the LSC-funded agency handles.³⁵⁰</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁵¹ for victims of domestic violence, sexual assault, stalking³⁵² or dating violence.³⁵³ Must be at least 11 years old.³⁵⁴</p>	<p>family members with (or applying for) T visa status,³⁵⁶ are eligible for legal assistance on any matter the LSC-funded agency handles.</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁵⁷ for victims of domestic violence, sexual assault, stalking³⁵⁸ or dating violence.³⁵⁹ Must be at least 11 years old.³⁶⁰</p>	<p>or is a victim of sexual assault or trafficking in the U.S.,³⁶² is eligible for legal services from LSC-funded agencies³⁶³ on matters related to the abuse.³⁶⁴</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁶⁵ for victims of domestic violence, sexual assault, stalking³⁶⁶ or dating violence.³⁶⁷ Must be at least 11 years old.³⁶⁸</p>	<p>cruelty,³⁶⁹ or sexual assault or trafficking in the U.S.,³⁷⁰ on matters related to the abuse.³⁷¹</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,³⁷² or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.³⁷³</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁷⁴ for victims of domestic violence, sexual assault, stalking³⁷⁵ or dating violence.³⁷⁶ Must be at least 11 years old.³⁷⁷</p>	<p>visa status and a family member eligible to apply for U visa status³⁷⁸ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies³⁷⁹ on matters related to the crime victimization.³⁸⁰</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,³⁸¹ or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.³⁸²</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁸³ for victims of domestic violence, sexual assault,</p>	<p>to apply for U visa status and a family member eligible to apply for U visa status³⁸⁷ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies³⁸⁸ on matters related to the crime victimization.³⁸⁹</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁹⁰ for victims of domestic violence, sexual assault, stalking³⁹¹ or dating violence.³⁹² Must be at</p>	<p>extreme cruelty,³⁹⁴ or is a victim of sexual assault or trafficking in the U.S.,³⁹⁵ is eligible for legal services from LSC-funded agencies³⁹⁶ on matters related to the abuse.³⁹⁷</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁹⁸ for victims of domestic violence, sexual assault, stalking³⁹⁹ or dating violence.⁴⁰⁰ Must be at least 11 years old.⁴⁰¹</p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Legal Services	Women funded Legal Assistance ³⁴⁴ as a victim of domestic violence, sexual assault, stalking ³⁴⁵ or dating violence. ³⁴⁶ Must be at least 11 years old. ³⁴⁷					stalking ³⁸⁴ or dating violence. ³⁸⁵ Must be at least 11 years old. ³⁸⁶	least 11 years old. ³⁹³	
Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴⁰² Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship. ⁴⁰³	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴⁰⁴ Refugees, asylees, T visa holders, and T visa applicants with prima facie (bona fide) determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance. ⁴⁰⁵	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status. ⁴⁰⁶ Human trafficking victims with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18), are considered refugees and thus are eligible for LIHEAP heating/cooling and single-family weatherization assistance. ⁴⁰⁷	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴⁰⁸	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴⁰⁹ Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency. ⁴¹⁰	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status. ⁴¹¹ Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency. ⁴¹²	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴¹³	Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status. ⁴¹⁴

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
Federal Emergency Management Agency (FEMA) Assistance⁴¹⁵	Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status or naturalized citizenships. 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. ⁴¹⁶ 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. ⁴¹⁷							
Federal Emergency Management Agency (FEMA)-Restricted Programs⁴¹⁸	<p>Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship⁴¹⁹:</p> <p>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴²⁰</p> <p>Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related</p>	<p>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to <u>Refugees, Asylees, T visa applicants</u> with prima facie (bona fide) determination.⁴²²</p> <p>Emergency SNAP open to <u>Refugees/Asylees</u> (no five-year bar),⁴²³ and <u>T visa applicants</u> with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.⁴²⁴</p>	<p>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18) or family members with T visa status (no need for HHS certification or eligibility determination).⁴²⁵</p> <p>These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment</p>	Not eligible.	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴²⁷</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴²⁹</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴³¹</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by</p>	Not eligible. ⁴³³

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugees, Asylees, T Visas, ³ Afghans, ⁴ and Ukrainians ⁵	T Visa ⁶ / Continued Presence ⁷	Deferred Action for Childhood Arrivals (DACA) ⁸	Special Immigrant Juvenile Status (SIJS) ⁹	U Visa, bona fide, or wait list approval. ¹⁰	U Visa Applicants	Undocumented
FEMA Restricted Programs	benefits or born before Aug. 22, 1931. ⁴²¹		Assistance (DUA), and Emergency SNAP. ⁴²⁶		and either receiving disability-related benefits or born before Aug. 22, 1931. ⁴²⁸	disability-related benefits or born before Aug. 22, 1931. ⁴³⁰	the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931. ⁴³²	
Unemployment Insurance⁴³⁴	Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship. ⁴³⁵	<u>Refugee:</u> Eligible for UI. ⁴³⁶ <u>Asylee:</u> Eligible for UI upon grant receipt of work authorization. ⁴³⁷ <u>T Visa, Afghans, and Ukrainians:</u> Eligible for UI upon receipt of work authorization. ⁴³⁸	Eligible for UI upon HHS certification or eligibility letter and work authorization. ⁴³⁹	Eligible for UI upon receipt of work authorization. ⁴⁴⁰	Eligible for UI upon receipt of work authorization. ⁴⁴¹	Eligible for UI upon receipt of work authorization. ⁴⁴²	Not eligible. ⁴⁴³	Not eligible. ⁴⁴⁴

¹ VAWA self-petitioner for public benefits purposes includes: VAWA self-petitioners, battered spouse waiver applicants, applicants for relief under VAWA Cuban Adjustment Act (“VAWA CAA”), VAWA Haitian Refugee Immigration and Fairness Act (“VAWA HRIFA”), VAWA Nicaraguan and Central American Relief Act (“VAWA NACARA”), VAWA cancellation of removal, VAWA suspension of deportation, and battered spouses and children with approved I-130 visa applications filed by their abusive citizen spouse, parent or step-parent. *See* 8 U.S.C. § 1641(c); 8 U.S.C. § 1101(a)(51).

² For those working with immigrant clients who are Compact of Free Association (COFA) citizens/nationals please see NIWAP’s Hawaii Public Benefits Chart (<https://niwaplibrary.wcl.american.edu/pubs/hawaii-benefits/>) which contains a detailed explanation with footnotes for each public benefit describing what COFA nationals/citizens are eligible for in all U.S. jurisdictions. Under COMPACT OF FREE ASSOCIATION ACT (COFA) Pacific Islanders who are citizens/nationals of the Marshall Islands, Palau, and the Federated States of Micronesia (collectively the Freely Associated States or FAS) living in the United States (including all U.S. territories) are eligible for federal public benefits without being subject to the 5-year bar. COMPACT

IMPACT FAIRNESS ACT (CIFA) included in CONSOLIDATED APPROPRIATIONS ACT of 2024 (March 9, 2024). Information about COFA eligibility for public benefits is also being included in each state's listing in NIWAP's public benefits map <https://niwaplibrary.wcl.american.edu/benefits-map/>

³ 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 facie) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).

⁴ **Afghans entering between 7/31/21 and 9/30/23:** In 2021, Congress extended benefits eligibility to certain Afghans paroled into the U.S. through § 2502 of the Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43, 135 Stat. 344, 377 (2021). This law was amended by the Continuing Appropriations and Ukraine Supplemental Appropriations Act, Pub. L. 117-180 § 149, 135 Stat. 2114, 2124 (2022), and by the Consolidated Appropriations Act, 2023, Pub. L. 117-328 § 1501, 136 Stat. 4459, 5195 (2022). This law as amended provides that:

- Afghans granted humanitarian parole between July 31, 2021 and September 30, 2023 are eligible for resettlement assistance, entitlement programs, federally recognized driver's licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.
- The spouses and children of these Afghans granted humanitarian parolees who are granted their own humanitarian parole after September 30, 2022, are also eligible for resettlement assistance, entitlement programs, federally recognized driver's licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.
- Parents or guardians of unaccompanied Afghan children granted parole after September 30, 2023 are— also eligible for resettlement assistance, entitlement programs, federally recognized driver's licenses and identification cards, and other federal and state public benefits to the same extent as refugees through the end of their humanitarian parole.

See OFF. OF REFUGEE RESETTLEMENT, U.S. DEP'T OF HEALTH AND HUM. SERV., *Fact Sheet: Benefits for Afghan and Iraqi Special Immigrant Visa (SIV) Holders or SQ/SI Parolees*

<https://www.acf.hhs.gov/orr/fact-sheet/benefits-afghan-and-iraqi-special-immigrant-visa-siv-holders-or-sq/si-parolees> (last visited November 29, 2023) (Iraqi and Afghan special immigrant visa holders (SIV) and special immigrant parolees (who have applied for SIV status) are eligible for federal benefits to the same extent as refugees.) See also *The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) <https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees> (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

Afghans entering on or after 10/1/23:

- Afghan humanitarian parolees arriving on or after October 1, 2023, are not eligible for federal public benefits to the same extent as refugees. See *The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) <https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees> (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

Afghans under the Temporary Protected Status:

- Are considered lawful present individuals which provides access to healthcare exchanges to purchase health insurance and some states state-funded healthcare subsidies or other access to state funded benefits to the same extent as other lawful present individuals, cited on this public benefits chart as DACA, SIJS, U-visa bona fide or wait list approval. Extension of Designation of Afghanistan for TPS, 88 Fed. Reg. 65728 (Sep. 25, 2023). See *Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program*, 89 Fed. Reg. 39392, 39436 (May 8, 2024).

Afghans with pending or approved applications for asylum:

- Receive the same public benefits access as all other asylees. Afghan asylum applicants will have greater access to public benefits than other asylum applicants if they were granted one of the forms of humanitarian parole listed above that receives access to public benefits to the same extent as refugees. Once an Afghan recipient of humanitarian parole applies for and is granted asylum, they receive access to state and federal public benefits to the same extent as asylees.

See also, *Changes to Benefits Eligibility and Services for Afghans Arriving as Humanitarian Parolees*, SETTLEIN (FEB. 21, 2024) <https://www.settlein.support/en-us/articles/16903785241629>.

⁵ Ukraine Security Supplemental Appropriations Act of 2024, 118 P.L. 50; 2024 Enacted H.R. 815; 118 Enacted H.R. 815; 138 Stat. 895 (2024). *Department of Homeland Security, President Biden to Announce Uniting For Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing the Russian Invasion of Ukraine*, DEP'T OF HOMELAND SEC. (April 21, 2022)

<https://niwaplibrary.wcl.american.edu/pubs/ukrainians-2022-dhs/> (Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2024 – and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2024 – are eligible for federal benefits to the same extent as refugees.); See *The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Ukrainian Refugees* (November 29, 2023) <https://niwaplibrary.wcl.american.edu/orr-policy-letters-ukrainian-refugees> (Contains HHS Policy Letters and Fact Sheets regarding Ukrainian Refugees).

⁶ See 22 U.S.C. § 7105(b)(1) (Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees.); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), <http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/>.

⁷ See 22 U.S.C. § 7105(b)(1)(E)(i)(II)(bb) (Immigrants with HHS certification that their continued presence is needed to effectuate prosecution of human traffickers are eligible to receive public benefits to the same extent as refugees.); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

⁸ See DACA, NAT'L IMMIGR. L. 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.).

⁹ 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 See CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/> (Upon receipt of deferred action U visa applicants are considered lawfully present.). U visa applicants receive deferred action which provides formal protection from deportation when they receive a bona fide determination or wait-list approval from U.S. Citizenship and Immigration Services (USCIS). See, NIWAP, New DHS U Visa Bona Fide Policy Provides Earlier Access Deferred Action and Work Authorization To Applicants and NIWAP New Study Provides Evidence-Based Support for These New DHS Policies (June 14, 2021) <https://niwaplibrary.wcl.american.edu/transforming-lives-study-21>.

¹¹ 45 C.F.R. § 155.20 (Defining lawfully present immigrants); 42 CFR § 435.4 (Defining qualified immigrants). For a detailed list of lawfully present immigrants eligible under federal law to purchase health insurance on the exchanges, who may also be eligible for federal or state funded healthcare subsidies, see, Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024), <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>; Leslye E. Orloff, *Annotated Statutes Related to Public Benefits Eligibility for Immigrant Survivors of Domestic Violence, Child Abuse and Human Trafficking* (May 27, 2024), <https://niwaplibrary.wcl.american.edu/pubs/1641-1631-benefits-laws-annotated/>; Leslye E. Orloff, *Annotated Violence Against Women Act (VAWA) Self-Petitioner Definition INA 101(a)(51)* (May 27, 2024), <https://niwaplibrary.wcl.american.edu/pubs/vawa-self-petitioner-annotated-ina-101a51/>.

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

¹³ Battered Spouse Waiver victims are VAWA self-petitioners as defined in INA § 101(a)(51). To be eligible for a battered spouse waiver the victim must be a battered immigrant spouse of a U.S. citizen or lawful permanent resident who filed an immigration case on the battered spouse's behalf through which the immigrant spouse was granted conditional permanent residency. Most battered spouse waiver applicants will have conditional permanent residency at the time they file their battered spouse waiver application. Their public benefits eligibility is based either on their conditional permanent residency or on their battered spouse waiver application. It is important to note that after an abused immigrant spouse files their battered spouse waiver application, they become eligible for VAWA self-petitioning related deeming exceptions and eligible for state funded public benefits to the same extent as all other VAWA self-petitioners in states that grant self-petitioners access to state funded public benefits.

¹⁴ 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 8 U.S.C. § 1641(c).

¹⁵ 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-fact-sheet/>. *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>

¹⁶ 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 8 U.S.C. § 1641(c).

¹⁷ 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-fact-sheet/>. *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>

¹⁸ DEP'T 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/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 benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)

¹⁹ S.C. Code Regs. 114-1130(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁰ 8 U.S.C. §§ 1612(b)(2)(A)(ii); 1613(b)(1); Federal eligibility for refugees and asylees extends for the first five years after attaining that status; however, in most states their eligibility continues past this five year limitation, since they will have been in the U.S. long enough that the five year bar to public benefits access to certain benefits programs will not apply. As a result, they will become “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. See also Nat'l Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2024), 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>

²¹ 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) (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) (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 their eligibility as a refugee or asylee continues past this five-year limit. See NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), 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>.

²² NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 8 U.S.C. § 1641(c)(4). An applicant with a military connection is eligible as a matter of federal law, without the five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Federal law does not require states to impose the five-year time limit to trafficking victim eligibility as a qualified immigrant and many states cover T visa holders and T visa applicants with bona fide determinations under Victims of

Trafficking and Violence Protection Act (TVPA) of 2000. 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>.

²³ S.C. Code Regs. 114-1130(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁴ S.C. Code Regs. 114-1130(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁵ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

²⁶ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>

²⁷ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

²⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1). SIJS applicant with a military connection is eligible without five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2).

³⁰ 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-fact-sheet/>; *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOC. 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/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>

³¹ S.C. Code Regs. 114-113(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³² S.C. Code Regs. 114-1130(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³³ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

³⁴ 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-fact-sheet/>; *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOC. 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. 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),

³⁵ S.C. Code Regs. 114-1130(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³⁶ S.C. Code Regs. 114-1130(D); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

³⁹ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. U.S. Department of Health and Human Services, *Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees*, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>; NAT'L IMMIGR. L. CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

⁴⁰ NAT'L IMMIGR. L. CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS* 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

⁴¹ *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 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.)

⁴² S.C. DEP'T OF SOC. SERVS., *Chapter 2 Citizenship* in S.C. CHILD CARE VOUCHER PROGRAM, Vol. 027, pg. 21 (2016), <https://dss.sc.gov/media/1488/abc-voucher-2017-v27.pdf>. If eligible for TANF, applicants are also eligible for TANF-funded child care. Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁴³ See 8 U.S.C. § 1641(b)(2)-(3). NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁴ See 22 U.S.C. § 7105(b)(1); NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁵ See 8 U.S.C. § 1641(c)(4). NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁶ See 8 U.S.C. § 1641(c)(4). NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁷ Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁴⁸ S.C. DEP'T OF SOC. SERVS., *Chapter 2 Citizenship* in S.C. CHILD CARE VOUCHER PROGRAM, Vol. 027, pg. 21 (2016), <https://dss.sc.gov/media/1488/abc-voucher-2017-v27.pdf>. If eligible for TANF, applicants are also eligible for TANF-funded child care. Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁴⁹ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

⁵⁰ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013),

<http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

⁵¹ Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁵² S.C. DEP'T OF SOC. SERVS., *Chapter 2 Citizenship* in S.C. CHILD CARE VOUCHER PROGRAM, Vol. 027, pg. 21 (2016), <https://dss.sc.gov/media/1488/abc-voucher-2017-v27.pdf>. If eligible for TANF, applicants are also eligible for TANF-funded child care. Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁵³ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁵⁴ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁵⁵ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. U.S. Department of Health and Human Services, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

⁵⁶ 8 U.S.C. §§ 1612(b)(2)(A)(ii); Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. U.S. Department of Health and Human Services, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(b)(1).

⁵⁷ Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁵⁸ S.C. DEP'T OF SOC. SERVS., *Chapter 2 Citizenship* in S.C. CHILD CARE VOUCHER PROGRAM, Vol. 027, pg. 21 (2016), <https://dss.sc.gov/media/1488/abc-voucher-2017-v27.pdf>. If eligible for TANF, applicants are also eligible for TANF-funded child care. Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁵⁹ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁶⁰ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. U.S. Department of Health and Human Services, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start

Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>, NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

⁶¹ 8 U.S.C. §§ 1612(b)(2)(A)(ii); Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. U.S. Department of Health and Human Services, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>, NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(b)(1).

⁶² Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁶³ S.C. DEP'T OF SOC. SERVS., *Chapter 2 Citizenship* in S.C. CHILD CARE VOUCHER PROGRAM, Vol. 027, pg. 21 (2016), <https://dss.sc.gov/media/1488/abc-voucher-2017-v27.pdf>. If eligible for TANF, applicants are also eligible for TANF-funded child care. Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOC. PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.

⁶⁴ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁶⁵ NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁶⁶ 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.)

⁶⁷ 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/; *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); See 8 U.S.C. § 1641(c); See also 8 U.S.C. § 1612(a)(1)-1612(a)(2). Battered immigrants are not subject to deeming for at least 12 months, with the possibility of extension. See *Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, available at <https://www.fns.usda.gov/snap/eligibility/non-citizen-eligibility> (last accessed Apr. 29, 2023)

⁶⁸ *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 4, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).

⁶⁹ See 8 USC §1612(a)(2)(A) and (L). Directly eligible for SNAP as refugees and asylees for seven years. However, they retain eligibility past the seven years since they will have transitioned into qualified immigrant status, with indefinite eligibility for SNAP, after five years. See 8 U.S.C. § 1641(b)(2)-(3). See also Nat'l Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 8 U.S.C. § 1641(b)(2)-(3). See also *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019). https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf

⁷⁰ 8 U.S.C. § 1641(c)(4); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).

⁷¹ See 22 U.S.C. § 7105(b) (1). Eligible to the same extent as refugees. (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).

⁷² NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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);. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

⁷³ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>. See 22 U.S.C. § 7105(b).

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

- NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁷⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁷⁶ *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).
- ⁷⁷ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). Five-year residency includes time in qualified status prior to turning 18. When SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they can show they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S.C. § 1631; *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31-33, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).
- ⁷⁸ *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 *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). May be subject to deeming.
- ⁸⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *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).
- ⁸¹ *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). (Eligible children are exempt from sponsor deeming.)
- ⁸² *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.). May be subject to deeming.
- ⁸³ *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.)
- ⁸⁴ *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). (Born on or before August 22, 1931 and lawfully resided in the U.S. on August 22, 1996.). May be subject to deeming.
- ⁸⁵ *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). May be subject to deeming.
- ⁸⁶ 42 U.S.C.S. § 1786; *Women, Infants, and Children (WIC)*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited June 14, 2018).
- ⁸⁷ *WIC Contacts*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-contacts> (last visited June 14, 2018).
- ⁸⁸ *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited June 14, 2018).
- ⁸⁹ *Public Health Clinics*, S.C. DEP'T OF HEALTH & ENVTL., CONTROL, <http://www.scdhec.gov/Health/PublicHealthClinics/LocationsHoursContactInfo/> (last visited July 6, 2018).
- ⁹⁰ *Step 3- Proof of Income*, S.C. DEP'T OF HEALTH & ENVTL., CONTROL, <http://www.scdhec.gov/Health/WIC/HowtoApplyforWIC/WICsteps/> (last visited July 6, 2018).
- ⁹¹ 8 U.S.C. § 1641(c); HealthCare.gov, *Immigrants, Immigration status and the Marketplace* (last visited November 29, 2023) (Listing immigrants with which immigration statuses are legally able to use the Marketplace); *See NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5* (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), *CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM* (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.
- ⁹² 8 U.S.C. § 1641(c); HealthCare.gov, *Immigrants, Immigration status and the Marketplace* (last visited November 29, 2023) (Listing immigrants with which immigration statuses are legally able to use the Marketplace); *See NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5* (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), *CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE,*

ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁹³ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁹⁴ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 2 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(b)(2); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁹⁵ Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>. See 8 U.S.C. § 1641(b)(3); 45 C.F.R. § 152.2(5) (2017) ("A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days."); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

⁹⁶ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c)(4). See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁹⁷ 42 C.F.R. § 435.4(2)(ii), (iv), and (v); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁹⁸ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

⁹⁹ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20282%29.pdf>. See 22 U.S.C. § 7105(b).

¹⁰⁰ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>.

¹⁰¹ 45 C.F.R. 152.2(4)(vi); 8 C.F.R. 236.22. (Beginning November 1, 2024 recipients of Deferred Action for Childhood Arrivals (DACA) are eligible for access to state and federal healthcare exchanges.); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-

SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁰² 45 C.F.R. 152.2(7); NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>; *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁰³ 45 C.F.R. 152.2(4)(vi); U visa bona fide determinations come with deferred action which is protection from deportation and which makes U visa applicants eligible for health care as lawfully residing immigrant. Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁰⁴ 45 C.F.R. 152.2(4)(vi); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; *See*, Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS), *Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program* (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁰⁵ Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMIGR. WOMEN'S ADVOC. PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; NAT'L IMMIGR. L. CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5-6 (2012, rev. 2022), <https://www.nilc.org/wp-content/uploads/2022/12/Lawfully-Present-Individuals-Eligible-Under-ACA.-PDF.pdf> (2022), <https://www.nilc.org/wp-content/uploads/2022/12/Lawfully-Present-Individuals-Eligible-Under-ACA.-PDF.pdf>.

¹⁰⁶ NAT'L IMMIGR. L. CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 1 (2012, rev. 2022), <https://www.nilc.org/wp-content/uploads/2022/12/Lawfully-Present-Individuals-Eligible-Under-ACA.-PDF.pdf> (DACA coverage limited to those "lawfully present" in the United States).

¹⁰⁷ Footnotes in this section contain additional details on health care subsidies, including co-pays that may be required. They contain further state by state information on health care access for immigrant survivors of domestic and sexual violence. *See* MORGAN, LEWIS & BOCKIUS, LLP *Chapter 17.1: Emergency Medicaid – Urgent Medical Services for Immigrant Crime Victims and Children*, NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT (December 2016), <http://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid/>; *see id.* *Chapter 17.2: Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (February 12, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims/>; *see id.* *Chapter 17.3: Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence* (June 13, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation/>; *see id.* *Chapter 17.4: Pre-Natal and Child Health Care for Immigrant Victims and Their Children* (February 17, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-4-prenatal-care/>.

¹⁰⁸ 42 C.R.F. § 435.406(2)(i); 8 U.S.C. § 1641(c); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁰⁹ Health Case.gov, *Immigrants, Coverage for U.S. Citizens and U.S. Nationals* (last visited November 29, 2023) <https://www.healthcare.gov/immigrants/immigration-status/>. NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. *See* 8 U.S.C. § 1641(c).

¹¹⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹¹¹ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹¹² S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹¹³ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹¹⁴ 42 C.F.R. § 435.4(1)(ix), (x), and (xi).

¹¹⁵ 42 C.F.R. § 435.4(1)(i).

¹¹⁶ 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven year limitation, since by seven years they will either have become lawful permanent residents or they will have been in the U.S. long enough that the five year bar to public benefits access will not apply. As a result, they will be “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained lawful permanent resident status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. *See* 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. *See also* Nat'l Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.

¹¹⁷ 22 U.S.C. § 7105(b)(1). 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_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.

¹¹⁸ 42 C.F.R. § 435.4(2)(ii), (iv), and (v).

¹¹⁹ *See* 8 U.S.C. § 1641(c)(4).

¹²⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²¹ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹²² S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²³ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹²⁴ 42 C.F.R. § 435.4(1)(i).

¹²⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). *See also* 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.

¹²⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT

VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

¹²⁷ 22 U.S.C. § 7105(b)(1). Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹²⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²⁹ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹³⁰ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹³¹ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/health-care-access-for-lawfully-present-immigrants-definitions-may-27-2024/) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹³² 42 C.F.R. § 435.4(1)(i).

¹³³ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹³⁴ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹³⁵ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹³⁶ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/health-care-access-for-lawfully-present-immigrants-definitions-may-27-2024/) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹³⁷ 42 C.F.R. § 435.4(1)(i).

¹³⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

¹³⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴⁰ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁴¹ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴² 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁴³ 42 C.F.R. § 435.4(1)(i).

¹⁴⁴ 8 U.S.C. § 1641(b)(1). NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1).

¹⁴⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴⁷ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁴⁸ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴⁹ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](#) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁵⁰ 42 C.F.R. § 435.4(1)(i).

¹⁵¹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁵² 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁵³ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁵⁴ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁵⁵ Footnotes in this section contain additional details on health care subsidies including co-pays that may be required. They contain further state by state information on health care access for immigrant survivors of domestic and sexual violence. *See* MORGAN, LEWIS & BOCKIUS, LLP *Chapter 17.1: Emergency Medicaid – Urgent Medical Services for Immigrant Crime Victims and Children*, NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT (December 2016), <http://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid/>; *see id.* *Chapter 17.2: Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (February 12, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims/>; *see id.* *Chapter 17.3: Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence* (June 13, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation/>; *see id.* *Chapter 17.4: Pre-Natal and Child Health Care For Immigrant Victims and Their Children* (February 17, 2017) <http://niwaplibrary.wcl.american.edu/pubs/ch17-4-prenatal-care/>.

¹⁵⁶ 42 C.F.R. § 435.406(2)(i); 8 U.S.C. § 1641(c); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁵⁷ *Immigrants, Coverage for U.S. Citizens and U.S. Nationals*, HEALTHCARE.GOV (last visited November 29, 2023) [¹⁵⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 \(4th ed. 2002, table updated Oct. 2011\), \[https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/\]\(https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/\).](https://www.healthcare.gov/immigrants/immigration-status/.NAT'L IMMIGRATION LAW CTR., 'LAWFULLY PRESENT' INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf. See 8 U.S.C. § 1641(c).</p></div><div data-bbox=)

¹⁵⁹ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁶⁰ S.C. Code Regs. 126-360(A); S.C. DEP'T OF HEALTH & HUM. SERVS., *Chapter 102 – Non Financial Requirements, 102.04.13 40 Qualifying Quarters of Work in Medicaid Policy and Procedures Manual* (pg. 20-2, 2018), <http://www1.scdhhs.gov/mppm/> (last visited July 19, 2018).

NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).

¹⁶¹ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/](https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/).

¹⁶² S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁶³ 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.

¹⁶⁴ 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_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.

¹⁶⁵ *See* 8 U.S.C. § 1641(c)(4).

¹⁶⁶ 42 C.F.R. § 435.4(2)(ii), (iv), and (v).

¹⁶⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁶⁸ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁶⁹ 45 C.F.R. § 155.20(1); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/](https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/).

¹⁷⁰ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁷¹ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁷² SO. CAROLINA DEP'T OF HEALTH & HUMAN SERVICES, *Medicaid Policy and Procedures Manual*, Section 102 Non-Financial Requirements, Appendix D Alien Status Chart (page 71) available at https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww1.scdhhs.gov%2Fmppm%2FSCMPPM%2FChapter_102.docx (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁷³ SO. CAROLINA DEP'T OF HEALTH & HUMAN SERVICES, *Medicaid Policy and Procedures Manual*, Section 102 Non-Financial Requirements, Appendix D Alien Status Chart (page 71) available at https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww1.scdhhs.gov%2Fmppm%2FSCMPPM%2FChapter_102.docx (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁷⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹⁷⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

¹⁷⁶ 22 U.S.C. § 7105(b)(1). Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹⁷⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁷⁸ 42 U.S.C. § 3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁷⁹ S.C. Code Regs. 126-360(A); see *Medicaid Policy and Procedures Manual*, S.C. DEP'T OF HEALTH & HUM. SERVS., <http://www1.scdhhs.gov/mppm/> (follow “Non-Financial Requirements” hyperlink under “Section 100 General Information”; then search “REFUGEE” under “Appendix D Alien Status Chart” on pg. 70) (last visited July 19, 2018); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c).

¹⁸⁰ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, [Health Care Access for Lawfully Present Immigrants – Definitions \(May 27, 2024\)](https://niwaplibrary.wcl.american.edu/pubs/health-care-access-for-lawfully-present-immigrants-definitions-may-27-2024/) <https://niwaplibrary.wcl.american.edu/pubs/health-care-access-for-lawfully-present-immigrants-definitions-may-27-2024/>.

¹⁸¹ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸² S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸³ SO. CAROLINA DEP'T OF HEALTH & HUMAN SERVICES, *Medicaid Policy and Procedures Manual*, Section 102 Non-Financial Requirements, Appendix D Alien Status Chart (page 71) available at https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww1.scdhhs.gov%2Fmppm%2FSCMPPM%2FChapter_102.docx (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸⁴ S.C. DEP'T OF HEALTH & HUMAN SERVICES, *Medicaid Policy and Procedures Manual*, Section 102 Non-Financial Requirements, Appendix D Alien Status Chart (page 71) available at https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fwww1.scdhhs.gov%2Fmppm%2FSCMPPM%2FChapter_102.docx (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 5 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸⁶ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁸⁷ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁸⁸ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁰ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁹¹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

¹⁹² S.C. Code Regs. 126-360(A); S.C. DEP'T OF HEALTH & HUM. SERVS., *Chapter 102 – Non Financial Requirements, 102.04.13 40 Qualifying Quarters of Work in Medicaid Policy and Procedures Manual* (pg. 20-2, 2018), <http://www1.scdhhs.gov/mppm/> (last visited July 19, 2018).

NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c).

¹⁹³ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

¹⁹⁴ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁵ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁶ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

¹⁹⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).

¹⁹⁹ S.C. Code Regs. 126-360(A); S.C. DEP'T OF HEALTH & HUM. SERVS., *Chapter 102 – Non Financial Requirements, 102.04.13 40 Qualifying Quarters of Work in Medicaid Policy and Procedures Manual* (pg. 20-2, 2018), <http://www1.scdhhs.gov/mppm/> (last visited July 19, 2018).

NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c).

²⁰⁰ 45 C.F.R. § 155.20(1); See, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) <https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/>; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024)* <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>.

²⁰¹ S.C. Code Regs. 126-365(J); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 7 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁰² NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁰³ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

²⁰⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁰⁵ 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); See, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), <https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/>. See also, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), <https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/> (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

²⁰⁶ 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, Joye 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/ojp-ovc-letter-on-access-to-voca-victim-compensation-7-2-2010/>; For an overview of what types of victim compensation are covered by VOCA compensation programs in each state see, Leslye Orloff, Katelyn Deibler and Annie Roebuck, *Post-Assault Healthcare and Victims of Crime Act Coverage for Domestic and Sexual Violence Victims* (July 18, 2018) available at: <https://niwaplibrary.wcl.american.edu/pubs/post-assault-coverage-chart>; and : Sarah Andrews, Vanessa Brown, Aurora de Heer, Joseph Leonard, Ryan Lighty, Katherine O'Keefe, Celia Soehner, William Springer, Josh Sterling, Linda Way-Smith, Beau Yanoshik, Morgan Lewis and Bockius, LLP and NIWAP, *Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence – Medical Coverage and Services for Immigrants* (July 13, 2018) available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation> (contains a more detailed discussion of VOCA compensation available in each state with links and citations).

²⁰⁷ U.S. DEP'T OF LABOR, WAGE & HOUR DIVISION, *Family Medical Leave Act*, available at <https://www.dol.gov/agencies/whd/fmla> (last visited September 1, 2022) (Provides up-to-date guidance, fact sheets, forms, interpretive guidance, laws, regulations and training tools).

²⁰⁸ See generally OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID, 2023-2024 Fed. Student Aid Handbook (December 7, 2022) <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens>. (The information in this section applies to all student financial aid including grants and loans.)

²⁰⁹ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>; Daniel T. Madzellan, OFFICE OF POST-SECONDARY EDUC., U.S. DEP'T OF EDUC., ELIGIBILITY FOR TITLE IV AID FOR "BATTERED IMMIGRANTS-QUALIFIED ALIENS" AS PROVIDED FOR IN THE VIOLENCE AGAINST WOMEN ACT (2007), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-memovawapetitionsgrantsloans-6-4-10/>. See 8 U.S.C. § 1641(c); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33, 1-34 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

²¹⁰ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2022-2023 (2022), <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2022-2023/vol1/ch2-us-citizenship-eligible-noncitizens> (Naturalized citizens are eligible for financial aid).

²¹¹ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (last visited February 29, 2024) <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., 2023-2024 Fed. Student Aid Handbook (December 7, 2022) <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens>.

²¹² OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (last visited February 29, 2024) <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>. See 22 U.S.C. § 7105(b); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., 2023-2024 Fed. Student Aid Handbook (December 7, 2022) <https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens>.

²¹³ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., C., ELIGIBILITY FOR NON-U.S. CITIZENS (last visited February 29, 2024) <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>.

²¹⁴ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (last visited February 29, 2024) <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

²¹⁵ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (last visited February 29, 2024) <https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

²¹⁶ Plyler v. Doe 457 U.S. 202 (1982); U.S. DEPARTMENT OF EDUCATION, STUDENTS, IMMIGRATION STATUS, AND THE RIGHT TO PUBLIC EDUCATION (JUNE 20, 2021) <https://blog.ed.gov/2021/07/students-immigration-status-and-the-right-to-public-education/>.

²¹⁷ S.C. Code Regs. 62-460(H); S.C. Code § 8-29-10(D). "Lawfully present", under these circumstances, means a lawful permanent resident, a qualified immigrant or a nonimmigrant under Public Law 82-414. See 2014 WL 1398592, at *5 (Bkrty.W.D.La. Mar. 3, 2014).

²¹⁸ *Lawful Presence for Non-US Citizens*, COLLEGE OF CHARLESTON, <http://registrar.cofc.edu/lawful-presence/non-us.php> (last visited July 19, 2018).

²¹⁹ S.C. Code Regs. 62-460(H).

²²⁰ Universities and colleges can use the same SAVE verification process as used in the context of access to public and assisted housing with regard to SAVE verification. See DEP'T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>. See also, Daniel T. Madzalan, OFFICE OF POST-SECONDARY EDUC., U.S. DEP'T OF EDUC., ELIGIBILITY FOR TITLE IV AID FOR "BATTERED IMMIGRANTS-QUALIFIED ALIENS" AS PROVIDED FOR IN THE VIOLENCE AGAINST WOMEN ACT (2007), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-memovawapetitionsgrantsloans-6-4-10/>.

²²¹ See *Toolkit: Access to Postsecondary Education*, NAT'L IMMIGR. L. CTR. (Mar. 2024), <https://www.nilc.org/issues/education/eduaccesstoolkit2a/#tables>.

²²³ S.C. CODE ANN. § 59-101-430 (2008).

²²⁴ SOC. SECURITY ADMIN., UNDERSTANDING SUPPLEMENTAL SECURITY INCOME SSI ELIGIBILITY REQUIREMENTS – 2017 EDITION (2017), <https://www.ssa.gov/ssi/text-eligibility-ussi.htm> (While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.)

²²⁵ 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. §§ 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(c) (battered immigrant).

²²⁶ See 8 U.S.C. § 1612(a)(2)(H).

²²⁷ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

²²⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), 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.)

²²⁹ SOC. SEC. ADMIN., *Understanding Supplemental Security Income SSI, Eligibility Requirements – 2023 Edition, Supplemental Security Income (SSI) Eligibility Requirements*, <https://www.ssa.gov/ssi/text-eligibility-ussi.htm> (last visited November 29, 2023).

²³⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. § 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.

²³¹ See 22 U.S.C. § 7105(b).

²³² 22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a

veteran's family. See § 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 IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), 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>.

²³³ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), 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. §§ 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(c)(4) (trafficking victims).

²³⁴ See 8 U.S.C. § 1612(a)(2)(H).

²³⁵ See 8 U.S.C. § 1641(c)(4).

²³⁶ 22 U.S.C. § 7105(b); See NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), 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>.

²³⁷ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

²³⁸ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), 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.).

²³⁹ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

²⁴⁰ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), 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. §§ 1612(a)(2)(B) (LPR eligibility for SSI), 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(b)(1) (LPR qualified immigrant status).

²⁴¹ See 8 U.S.C. § 1612(a)(2)(H).

²⁴² *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

²⁴³ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

²⁴⁴ NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT, ACCEPTABLE FORMS OF DOCUMENTATION AND IDENTIFICATION FOR STATE DRIVER'S LICENSE/IDENTIFICATION CARD (SEPTEMBER 5, 2014) 1 (2014), <http://library.niwap.org/wp-content/uploads/2015/Drivers-License-Access.pdf>.

²⁴⁵ REAL ID Act of 2005, 49 U.S.C. § 30301 Note (2005). See also 6 C.F.R. § 37.11 (g) (2012); Joan Friedland, *Updates on REAL ID and Increased Information Sharing by Departments of Motor Vehicles*, NAT'L IMMIGR. L. CTR., (Jan. 8, 2018), <https://www.nilc.org/news/the-torch/1-04-18/>.

²⁴⁶ See 6 C.F.R. § 37.11(g)(1) (2012).

²⁴⁷ See *SAVE CaseCheck*, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/save/casecheck> (last visited July 9, 2018). For special rules and step-by-step instructions for SAVE verification in cases of VAWA self-petitioners, see PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/> and Benish Anver, Alexandra Brown and Leslye E. Orloff, HOW TO ADVOCATE FOR PUBLIC AND ASSISTED HOUSING FOR YOUR BATTERED IMMIGRANT OR TRAFFICKING SURVIVOR CLIENT (2017) <http://niwaplibrary.wcl.american.edu/pubs/pub-asst-housing-advocacy>.

²⁴⁸ See 6 C.F.R. § 37.11(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 2 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/> (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver's licenses without waiting for work authorization. This may be an area for advocacy in individual cases).

²⁴⁹ See 6 C.F.R. § 37.11(h) (2012); NAT'L IMMIGR. L. CTR., THE REAL ID ACT: QUESTIONS AND ANSWERS 8-9 (2016), <https://www.nilc.org/wp-content/uploads/2015/11/REAL-ID-Act-Q-and-A.pdf>.

²⁵⁰ S.C. Code Ann. § 56-1-40(7).

²⁵¹ 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.

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²⁵³ U.S. Dep't of Justice, Dep't of Health & Human Servs. & Dep't of Hous. & Human Dev., Joint Letter on Immigrant Access to Shelter and Transitional Housing (Aug. 5, 2016), <http://niwaplibrary.wcl.american.edu/pubs/joint-letter-hud-hhs-ad-doj-immigrant-access-shelter-transitional-housing-aug-2016/> (stating that services must be in-kind, available regardless of income, and provided at the community level). See 8 U.S.C. § 1611(b)(1)(D).

²⁵⁴ CATHERINE LONGVILLE & LESLYE E. ORLOFF, PROGRAMS OPEN TO IMMIGRANT VICTIMS AND TO ALL IMMIGRANTS WITHOUT REGARD TO IMMIGRATION STATUS 1 (2014), <http://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants/>; *Three Federal Agencies Issue Joint Letter on Shelters and Transitional Housing*, NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT (Aug. 12, 2016), <http://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing/>.

²⁵⁵ *Emergency Solutions Grant (ESG) Program*, S.C. OFFICE OF ECON. OPPORTUNITY, <http://oeo.sc.gov/esgp.html> (last visited July 19, 2018).

²⁵⁶ 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).

²⁵⁷ 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).

²⁵⁸ 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).

²⁵⁹ HUD public and assisted housing refers to HUD assisted housing covered by Section 214 of the Housing and Community Development Act of 1980, 42 U.S.C. § 1436a. See *Housing Act. Section 2.14*, NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT, <http://niwaplibrary.wcl.american.edu/pubs/housing-act-sec-214/> (last visited Mar. 9, 2018); DEP'T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>; TONYA ROBINSON, ACTING GENERAL COUNSEL, C., U.S. DEP'T OF HOUS. & URBAN DEV., MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>; U.S. DEP'T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions for verifying battered immigrant eligibility for multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5 (Nov. 17, 1997)). See also 8 U.S.C. § 1641(c).

²⁶⁰ USDA RURAL HOUSING SERVICE, Interim Rule, *Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs*, 69 Fed. Reg. 69032 (Nov. 26, 2004) (to be codified at 7 C.F.R. pt. 1806, 1822, 1902, 1925 ("Appendix 2 to the HUD Handbook 4350.3 is incorporated into internal Agency procedures."); USDA RURAL HOUSING SERVICE, Interim Final Rule, *Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs*, 70 Fed. Reg. 8503 (Feb. 22, 2005) (to be codified at 7 C.F.R. 3560) (deciding "to delay implementation of the sections listed below in order to harmonize its procedures with HUD under 42 U.S.C. § 1436a"); DEP'T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions on verifying battered immigrant eligibility for HUD multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5) (Nov. 17, 1997); DEP'T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>; MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>. See also 8 U.S.C. § 1641(c).

²⁶¹ See 42 U.S.C. § 1485.

²⁶² *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 (including immediate family member).

²⁶³ 42 U.S.C. § 1436a(a)(1).

²⁶⁴ See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing); *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/ ("Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.").

²⁶⁵ See 42 U.S.C. § 1490(a); *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/.

²⁶⁶ 24 C.F.R. § 5.506(a)(1).

²⁶⁷ See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing); *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/ (“Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.”).

²⁶⁸ See 42 U.S.C. § 1490(a); *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/.

²⁶⁹ See *Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. See, e.g., DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>.

²⁷⁰ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

²⁷¹ See 42 U.S.C. § 1485.

²⁷² See 42 U.S.C. § 1490(a); see also 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); *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/.

²⁷³ *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 (including immediate family member).

²⁷⁴ 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).

²⁷⁵ See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing).

²⁷⁶ See *Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

²⁷⁷ See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

²⁷⁸ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See also 22 U.S.C. 7105(b); 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>.

²⁷⁹ See OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; 22 U.S.C. § 7105(b)(1)(B) (requirement to expand benefits and services); see also 22 U.S.C. 7105(b); 42 U.S.C. § 1485 (Section 515 Rural Housing); 42 U.S.C. § 1490(a) (Section 521 housing assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing). *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/.

²⁸⁰ See *Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

²⁸¹ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁸² 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).

²⁸³ See *Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

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²⁸⁶ *See* 8 U.S.C. § 1641(b)(1).

²⁸⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁸⁸ *See* 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

²⁸⁹ *See* 8 U.S.C. § 1641(b)(1) (2012).

²⁹⁰ *See Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

²⁹¹ *See* 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁹² 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).

²⁹³ *See* 8 U.S.C. § 1641(b)(1).

²⁹⁴ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2024), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁹⁵ *See* 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

²⁹⁶ *See* 8 U.S.C. § 1641(b)(1) (2012).

²⁹⁷ *See Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

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³⁰⁰ *See Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

³⁰¹ *See* 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

³⁰² 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).

³⁰³ *See Housing Tax Credit (LIHTC)*, S.C. HOUS., <https://www.schousing.com/Home/HousingTaxCredits> (last visited July 19, 2018). The South Carolina Housing Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

³⁰⁴ 26 U.S.C. § 24; U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 3 (2017).

³⁰⁵ 26 U.S.C. § 24(f); U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 2 (2017).

³⁰⁶ *See* <https://www.irs.gov/individuals/individual-taxpayer-identification-number> (IRS ITIN Information Page).

³⁰⁷ 26 U.S.C.A § 21(b); U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 1, 3 (2017).

³⁰⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 3 (2017).

³⁰⁹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 2 (2017).

³¹⁰ U.S. DEP'T OF TREASURY, I.R.S., WHO QUALIFIES FOR THE EARNED INCOME TAX CREDIT (EITC) (Jul.10, 2023), <https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/who-qualifies-for-the-earned-income-tax-credit-eitc>.

³¹¹ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³¹² U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³¹³ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³¹⁴ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³¹⁵ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³¹⁶ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³¹⁷ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³¹⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³¹⁹ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³²⁰ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³²¹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³²² U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³²³ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³²⁴ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³²⁵ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³²⁶ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³²⁷ 26 U.S.C. § 32(c)(1)(D); *see also* 26 U.S.C. § 6013(g); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 5, 18 (2017); *see also* U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 4 (2017).

³²⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³²⁹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

³³⁰ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³³¹ 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018).

³³² U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).

³³³ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

³³⁴ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³³⁵ *See* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families).

³³⁶ Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. *See* 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S ADVOC. PROJECT (Sept. 12, 2015), <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/>. *Compare* 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

³³⁷ 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)).

³³⁸ 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, support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). *See also* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedl/>.

³³⁹ 45 C.F.R. § 1626.5(a).

³⁴⁰ 45 C.F.R. § 1626.5(b).

³⁴¹ Upon applying for 45 C.F.R. § 1626.5(b) or receiving lawful permanent residency 45 C.F.R. § 1626.5(a) victim switch eligibility tracks from anti-abuse (which includes a restriction that the legal assistance be related to the abuse 45 C.F.R. § 1626.4 to immigration related eligibility under for 45 C.F.R. § 1626.5 under which applicants are eligible of any legal assistance offered by the LSC funded agency. *See* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'n CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; 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 ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/>.

³⁴² 45 C.F.R. § 1626.5(a)

³⁴³ *Can LSC Grantees Represent Undocumented Immigrants?*, LEGAL SERVICES CORPORATION, <https://www.lsc.gov/our-impact/publications/other-publications-and-reports/can-lsc-grantees-represent-undocumented> (last visited November 29, 2023) (LSC funded agencies can represent U.S. citizens which includes naturalized citizens).

³⁴⁴ 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.").

³⁴⁵ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁴⁶ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁴⁷ *See, e.g.*, OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁴⁸ *See* 45 C.F.R. § 1626.5(c).

³⁴⁹ *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).

³⁵⁰ *See* 45 C.F.R. § 1626.4(a)(2).

³⁵¹ 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.").

³⁵² Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁵³ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁵⁴ *See, e.g.*, OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁵⁵ *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).

³⁵⁶ *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).

³⁵⁷ 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.”).

³⁵⁸ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁵⁹ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁶⁰ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁶¹ 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); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT’L IMMIGRANT WOMEN’S ADVOC. 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).

³⁶² 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.).

³⁶³ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

³⁶⁴ Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedlsc/>.

³⁶⁵ 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.”).

³⁶⁶ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁶⁷ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁶⁸ See, e.g. Office on Violence Against Women, U.S. Dep’t of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁶⁹ 45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence.”). See Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT’L IMMIGRANT WOMEN’S ADVOC. 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).

³⁷⁰ 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.).

³⁷¹ 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 ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁷² See 45 C.F.R. § 1626.5(a).

³⁷³ See 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (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 ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁷⁴ 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.”).

³⁷⁵ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁷⁶ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁷⁷ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

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

³⁷⁹ 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).

³⁸⁰ “Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).” 45 C.F.R. 1626.4 (b); *see also* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT’L IMMIGRANT WOMEN’S ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁸¹ *See* 45 C.F.R. § 1626.5(a).

³⁸² *See* 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT’L LEGAL AID & DEFENDER ASS’N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; 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 ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁸³ 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.”).

³⁸⁴ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁸⁵ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁸⁶ *See, e.g.*, Office on Violence Against Women, U.S. Dep’t of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017),

<https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³⁸⁷ *See* 45 C.F.R. § 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

³⁸⁸ 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).

³⁸⁹ 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 ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

³⁹⁰ 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.”).

³⁹¹ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³⁹² Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁹³ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

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

³⁹⁵ 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.).

³⁹⁶ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

³⁹⁷ 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 IMMIGRANT WOMEN’S ADVOC. 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 ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/>.

³⁹⁸ OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, <https://www.justice.gov/ovw/page/file/1020436/download> (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).

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⁴⁰⁰ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

- ⁴⁰¹ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).
- ⁴⁰² NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
- ⁴⁰³ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. § 1641(c).
- ⁴⁰⁴ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
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- ⁴⁰⁶ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
- ⁴⁰⁷ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).
- ⁴⁰⁸ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
- ⁴⁰⁹ NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP)* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
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- ⁴¹⁵ 42 U.S.C. § 5121; See American Red Cross and the Nat'l Council of La Raza, and NAT'L IMMIGR. L. CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.
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- ⁴¹⁹ FEMA, You May Be Able to Get Disaster Assistance (February 21, 2023), https://www.fema.gov/sites/default/files/documents/fema_undocumented-immigrants-disaster-assistance_flyer_2023.pdf (listing naturalized citizens, lawful permanent residents, and certain battered non-citizens or their spouses or children which includes VAWA self-petitioners).
- ⁴²⁰ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). See 8 U.S.C. § 1641(c).
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⁴²² NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), “qualified” immigrants must have employment authorization). See 8 U.S.C. §§ 1641(b)(2)-(b)(3), (c)(4).

⁴²³ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. §§ 1641(b)(2)-(b)(3).

⁴²⁴ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(c)(4).

⁴²⁵ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 22 U.S.C. §§ 7105(b).

⁴²⁶ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 22 U.S.C. §§ 7105(b).

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⁴³⁰ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).

⁴³¹ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). See 8 U.S.C. § 1641(b)(1).

⁴³² NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).

⁴³³ See FED. EMERGENCY MGMT. AGENCY, FEMA CITIZENSHIP/IMMIGRATION REQUIREMENTS (2015), <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159> (stating that undocumented individuals can apply on behalf of a minor US citizen child who has a social security card).

⁴³⁴ To be eligible for unemployment insurance, each class of immigrant must have had prior work authorization and had to have been working with the authorization at the time they applied for unemployment. Work authorization must remain valid while they receive unemployment and if work authorization expires, then so does the eligibility for unemployment.

⁴³⁵ 8 U.S.C. § 1641(c)(1)(B)(i), or (ii); or 8 U.S.C. § 1641(c)(2), or (3).

⁴³⁶ 8 U.S.C. § 1641(b)(3).

⁴³⁷ INA § 208(d)(2); 8 C.F.R. § 274a.12(c)(8); 8 C.F.R. §§ 274a.12(a)(5). 8 U.S.C. § 1641(b)(2).

⁴³⁸ 8 U.S.C. § 1641(c)(4).

⁴³⁹ 8 U.S.C. § 1641(c)(4).

⁴⁴⁰ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMP'T L. 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.”).

⁴⁴¹ 8 U.S.C. § 1641(b)(1).

⁴⁴² 8 U.S.C. § 1641(b)(1).

⁴⁴³ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMP'T L. 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.”).

⁴⁴⁴ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMP'T L. PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> (“Under the current state and federal systems, undocumented workers are not eligible for unemployment benefits.”).