

Access to State-Funded^a Public Benefits in Texas for Survivors, Based on Immigration Status^{bc}

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	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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</i>			<i>Limited Benefits Eligibility^{ll}</i>	
TANF	VAWA: Eligible with prima facie determination, ¹² subject to five-year bar for those who arrived on or after August 22, 1996 ¹³ (After the first 12 months may be subject to deeming). ¹⁴	Refugee/Asylee: Eligible for TANF regardless of date of entry. ²⁰ T visa: with HHS certification or eligibility	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	Not eligible. ³³	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996. ³⁴ (may be subject to deeming). ³⁵	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 ³⁸ (may be subject to deeming). ³⁹	No federal eligibility. ⁴²	Not eligible. ⁴³

^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	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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><u>Lawful permanent residents:</u> Eligible subject to five-year bar for those who arrived on or after August 22, 1996 ¹⁵ (may be subject to deeming) ¹⁶</p> <p><u>Naturalized citizens:</u> Eligible without restrictions.¹⁷</p> <p><i>In Texas, if entered on or after Aug. 22, 1996, only eligible after the VAWA self-petitioner attains lawful permanent residency and after accruing 40 quarters of work credit. ¹⁸</i></p> <p><i>Exception: a VAWA self-petitioner who is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty is eligible without any accrual of work quarters requirement.¹⁹</i></p>	<p>determination_eligible under the Victims of 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 Texas, refugees, asylees, T visa holders and T visa applicants with bona fide determinations are eligible if entering prior to August 22, 1996.²³</i></p> <p><i>In Texas, refugees and asylees, who entered on or after Aug. 22, 1996, are only eligible during the five years after obtaining status.²⁴</i></p> <p><i>In Texas, T visa holders and T visa applicants</i></p>	<p>determination (under 18).²⁷</p> <p>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.²⁸</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.²⁹</p> <p><i>In Texas, T visa applicants with bona fide determinations are eligible if entering prior to August 22, 1996. ³⁰</i></p> <p><i>In Texas, T visa and continued presence holders who entered on or after Aug. 22, 1996, are only eligible during the four years after obtaining original status or until a law</i></p>		<p><i>In Texas, if entered on or after Aug. 22, 1996, only eligible once the SIJS recipient attains lawful permanent residency and after accruing 40 quarters of work credit.³⁶</i></p> <p><i>Exception, an SIJS recipient with lawful permanent residency who is a veteran or a person on active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, eligible without any accrual of work quarters requirement. ³⁷</i></p>	<p><i>In Texas, if entered on or after Aug. 22, 1996, only eligible once the U visa recipient attains lawful permanent residency and after accruing 40 quarters of work credit.⁴⁰</i></p> <p><i>Exception, a U visa holder with lawful permanent residency who is a veteran or a person on active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, eligible without any accrual of work quarters requirement. ⁴¹</i></p>		

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals, ²and Naturalized Citizens	Refugee, Asylee, T Visa,³ Afghans,⁴ Ukrainians ⁵	T Visa⁶ Bona Fide or Continued Presence⁷	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><i>with bona fide determinations who entered on or after Aug. 22, 1996, are only eligible during the four years after obtaining status or until a law enforcement extension expires.²⁵</i></p> <p><i>Exception when refugees, asylees, T visa holders and T visa applicants with bona fide determinations 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 five year limitation.²⁶</i></p>	<p><i>enforcement extension expires.³¹</i></p> <p><i>Exception when a T visa applicant with a bona fide determination is a veteran, active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active military duty, or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation.³²</i></p>					
Child Care	Children with prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund	Children who are <u>asylees or refugees</u> are eligible for CCDF-funded child care and TANF-funded child care. ⁴⁸	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	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards,	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to

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Child Care	<p>(CCDF)-funded child care.⁴⁴</p> <p>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.⁴⁵</p> <p><u>Naturalized citizens:</u> Eligible without restrictions.⁴⁶</p> <p><i>In Texas, VAWA self-petitioners with prima facie determination are eligible for TANF-funded child care when eligible for TANF.</i>⁴⁷</p>	<p><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.⁴⁹</p> <p>Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care.⁵⁰ They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.⁵¹</p> <p><i>In Texas, refugees, asylees, and T visa holders with bona fide determinations are eligible for TANF-funded child care eligible for TANF.</i>⁵²</p>	<p>determination (under 18) are eligible for CCDF-funded child care and TANF-funded child care.⁵³</p> <p>Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination.⁵⁴</p> <p><i>In Texas, T visa applicants with bona fide determinations and trafficking survivors with continued presence are eligible for TANF-funded child care eligible for TANF.</i>⁵⁵</p>	<p>settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Child care is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁵⁶</p>	<p>educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁵⁷</p> <p>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.⁵⁸ Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.⁵⁹</p> <p><i>In Texas, SIJS recipients with lawful permanent residency are eligible for TANF-funded child care eligible for TANF.</i>⁶⁰</p>	<p>including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁶¹</p> <p>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.⁶² Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.⁶³</p> <p><i>In Texas, U visa holders with lawful permanent residency are eligible for TANF-funded child care eligible for TANF.</i>⁶⁴</p>	<p>public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Child care is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁶⁵</p>	<p>public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;</p> <p>(2) Child care is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁶⁶</p>

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SNAP (Food Stamps)⁶⁷	<p>Eligible with VAWA prima facie determination, or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or (if lawfully residing in the U.S. on 8/22/96 disabled, or if Lawful Permanent Resident with 40 quarters of work credit.⁶⁸</p> <p><u>Naturalized citizens:</u> Eligible without restrictions.⁶⁹</p> <p><i>In Texas, after five years as a qualified immigrant, battered⁷⁰ immigrants (including VAWA self-petitioners) are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.⁷¹</i></p>	<p><u>Refugee/Asylee:</u> Eligible with no additional conditions.⁷²</p> <p><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).⁷³ Also eligible under the Trafficking Victims Protection Act to the same extent as refugees.⁷⁴</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 with an HHS eligibility determination (under 18).⁷⁵</p> <p>Family members with T visa status eligible without HHS certification or eligibility determination.⁷⁶</p> <p>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.⁷⁷</p>	Not eligible.	<p>Eligible upon receiving lawful permanent residency, subject to an additional condition,⁷⁸ e.g.: under 18,⁷⁹ five years residency and⁸⁰ 40 qualifying work quarters,⁸¹ or disabled.⁸²</p> <p><i>In Texas, after five years of lawful permanent residency, battered⁸³ immigrants (including SIJS holders) are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.⁸⁴</i></p>	<p>Eligible upon receiving lawful permanent residency, subject to an additional condition,⁸⁵ e.g.: under 18,⁸⁶ five years residency⁸⁷ and 40 qualifying work quarters,⁸⁸ elderly,⁸⁹ or disabled.⁹⁰</p> <p><i>In Texas, after five years of lawful permanent residency, battered⁹¹ U visa holders are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.⁹²</i></p>	Not eligible.	Not eligible.
The Special Supplemental Nutrition Program for Women, Infants,	<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.⁹³ 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.⁹⁴ 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).⁹⁵</p>							

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and Children (WIC)	<i>In Texas, applicants should apply at their local WIC office location.⁹⁶ In Texas, the income eligibility requirement for a parent or guardian, who is the sole provider of children under age five, is to be at or below 185 percent of the federal poverty level.⁹⁷</i>							
Health Insurance on Exchanges^e	Eligible with VAWA prima facie determination, ⁹⁸ as a lawful permanent resident, ⁹⁹ or naturalized citizen. ¹⁰⁰	<u>Refugee:</u> Eligible. ¹⁰¹ <u>Asylee:</u> Eligible; applicants eligible if granted work authorization, applicants under 14 eligible if application pending at least 180 days. ¹⁰² <u>T visa:</u> Eligible with prima facie (bona fide) determination on T visa application. ¹⁰³ <u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are eligible to the same extent as refugees. ¹⁰⁴	Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18). ¹⁰⁵ Family members with T visa status eligible without HHS certification or eligibility determination. ¹⁰⁶ These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry. ¹⁰⁷	Eligible upon being granted Deferred Action for Childhood Arrivals (DACA). ¹⁰⁸	Eligible upon filing SIJS application. ¹⁰⁹	Eligible upon U visa, bona fide determination, ¹¹⁰ or wait list approval. ¹¹¹	Not eligible. ¹¹²	Not eligible. ¹¹³
Child Health Insurance	Eligible with VAWA prima facie determination or	<u>Refugee/Asylee:</u> Eligible, exempt from five-year bar. ¹²⁵	Human trafficking victims are eligible with an HHS certification	Eligible for emergency Medicaid ¹⁴⁷	Eligible for emergency Medicaid ¹⁵⁴ and payments for the costs	If entered prior to August 22, 1996, eligible upon attaining	Eligible for emergency Medicaid ¹⁷² and	Eligible for emergency Medicaid ¹⁷⁵ and

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

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Program (CHIP)¹¹⁴	<p>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, 1996.¹¹⁵</p> <p>Naturalized citizens eligible.¹¹⁶</p> <p>Eligible for emergency Medicaid¹¹⁷ and payments for the costs of Medical Forensic Examinations (including rape kits)¹¹⁸ regardless of immigration or citizenship status.</p> <p><i>In Texas, ¹¹⁹ lawfully present¹²⁰ children (including VAWA self-petitioners with prima facie determinations¹²¹ and lawful permanent residents)¹²² are eligible for medical assistance when income eligible.¹²³</i></p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless</i></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.¹²⁶</p> <p><u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are eligible to the same extent as refugees.¹²⁷</p> <p><u>T visa holders and T visa applicants with prima facie (bona fide) determinations</u>: those who arrived prior to August 22, 1996, are immediately eligible as qualified immigrants under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees, with no seven year limit.¹²⁸ Those who arrived on or after August 22, 1996, are eligible as qualified immigrants,</p>	<p>(based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).¹³⁷</p> <p>Family members with T visa status are eligible without HHS Certification or eligibility determination.¹³⁸</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.¹³⁹</p> <p>Eligible for emergency Medicaid¹⁴⁰ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁴¹ regardless of immigration or citizenship status.</p> <p><i>In Texas, ¹⁴² lawfully present¹⁴³ children (including human trafficking victims with HHS certification or</i></p>	<p>and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁴⁸ regardless of immigration or citizenship status.</p> <p><i>In Texas, ¹⁴⁹ lawfully present¹⁵⁰ children (including persons granted Deferred Action for Childhood Arrivals (DACA))¹⁵¹ are eligible for medical assistance when income eligible.¹⁵²</i></p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal</i></p>	<p>of Medical Forensic Examinations (including rape kits)¹⁵⁵ 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, 1996.¹⁵⁶</p> <p><i>In Texas, ¹⁵⁷ lawfully present¹⁵⁸ children (including SIJS applicant children)¹⁵⁹ are eligible for medical assistance when income eligible.¹⁶⁰</i></p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status while pregnant.¹⁶¹</i></p>	<p>lawful permanent residency.¹⁶² If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.¹⁶³</p> <p>Eligible for emergency Medicaid¹⁶⁴ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁶⁵ regardless of immigration or citizenship status.</p> <p><i>In Texas, ¹⁶⁶ lawfully present¹⁶⁷ (including U visa bona fid,¹⁶⁸ or wait list approved and U visa holder children)¹⁶⁹ are eligible for medical assistance when income eligible.¹⁷⁰</i></p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status while pregnant.¹⁷¹</i></p>	<p>payments for the costs of Medical Forensic Examinations (including rape kits)¹⁷³ regardless of immigration or citizenship status.</p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status while pregnant.¹⁷⁴</i></p>	<p>payments for the costs of Medical Forensic Examinations (including rape kits)¹⁷⁶ regardless of immigration or citizenship status.</p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status while pregnant.¹⁷⁷</i></p>

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CHIP	<i>of immigration status while pregnant.</i> ¹²⁴	<p>but are subject to a five-year bar.¹²⁹</p> <p>Eligible for emergency Medicaid¹³⁰ and payments for the costs of Medical Forensic Examinations (including rape kits)¹³¹ regardless of immigration or citizenship status.</p> <p><i>In Texas, ¹³² lawfully present¹³³ children (including refugees, asylees, T visa holders, and T visa applicants with bona fide determinations.)¹³⁴ are eligible for medical assistance when income eligible.¹³⁵</i></p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status while pregnant.¹³⁶</i></p>	<p><i>eligibility letters)¹⁴⁴ are eligible for medical assistance when income eligible.¹⁴⁵</i></p> <p><i>In Texas, eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status while pregnant.¹⁴⁶</i></p>	<i>Program, regardless of immigration status while pregnant.¹⁵³</i>				
Full-Scope Medicaid¹⁷⁸	Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22,	<p><u>Refugee/Asylee:</u> Eligible, exempt from five-year bar.¹⁸⁸</p> <p><i>In TX, if entered after August 22, 1996 eligible</i></p>	Human trafficking victims are eligible with an HHS Certification (based on continued presence or a bona fide determination on a T	Eligible for emergency Medicaid ²¹⁰ and payments for the costs of Medical	Eligible for emergency Medicaid ²¹³ and payments for the costs of Medical Forensic Examinations (including rape kits) ²¹⁴	Eligible for emergency Medicaid ²²⁰ and payments for the costs of Medical Forensic Examinations (including rape kits) ²²¹	Eligible for emergency Medicaid ²²⁸ and payments for the costs of Medical Forensic	Eligible for emergency Medicaid ²³¹ and payments for the costs of Medical Forensic

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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>1996 and subject to five-year bar for those who arrived on or after August 22, 1996.¹⁷⁹</p> <p>Naturalized citizens eligible.¹⁸⁰</p> <p>Eligible for emergency Medicaid¹⁸¹ and payments for the costs of Medical Forensic Examinations (including rape kits)¹⁸² regardless of immigration or citizenship status.</p> <p><i>In Texas, if arrived on or after Aug. 22, 1996, VAWA self-petitioners are eligible for medical assistance after five years of attaining status without any requirement to accrue 40 qualifying work quarters.¹⁸³</i></p> <p><i>In Texas, if entered on or after Aug. 22, 1996, only eligible if at least five years have passed since attaining lawful permanent residency</i></p>	<p><i>for Medicaid only for the seven-year period after obtaining status.¹⁸⁹</i></p> <p><u>T visa holders and T visa applicants with prima facie (bona fide) determinations</u>; those who arrived prior to August 22, 1996, are immediately eligible as qualified immigrants under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees, with no seven year limit.¹⁹⁰ Those who arrived on or after August 22, 1996, are eligible as qualified immigrants, but are subject to a five-year bar.¹⁹¹</p> <p><u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are eligible to the same extent as refugees.¹⁹²</p> <p>Eligible for emergency Medicaid¹⁹³ and payments for the costs of Medical Forensic</p>	<p>visa application) or eligibility determination (under 18).²⁰⁰</p> <p>Family members with T visa status eligible without HHS Certification or eligibility determination.²⁰¹</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.²⁰²</p> <p>Eligible for emergency Medicaid²⁰³ and payments for the costs of Medical Forensic Examinations (including rape kits)²⁰⁴ regardless of immigration or citizenship status.</p> <p><i>In Texas individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.²⁰⁵</i></p>	<p>Forensic Examinations (including rape kits)²¹¹ regardless of immigration or citizenship status.</p> <p><i>In Texas, individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.²¹²</i></p>	<p>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, 1996.²¹⁵</p> <p><i>In Texas individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.²¹⁶</i></p> <p><i>In Texas, if entered on or after Aug. 22, 1996, only eligible five years after attaining lawful permanent residency. To qualify also requires accrual of 40 quarters of work credit, or that the applicant be a veteran, a spouse, unmarried surviving spouse, or minor unmarried child of an honorably discharged veteran or</i></p>	<p>regardless of immigration or citizenship status.</p> <p>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.²²²</p> <p>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar.²²³</p> <p><i>In Texas individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.²²⁴</i></p> <p><i>In Texas, if entered on or after Aug. 22, 1996, only eligible if at least five years have passed since attaining lawful permanent residency and they have either accrued 40 quarters of work credit, or are a veteran, a spouse,</i></p>	<p>Examinations (including rape kits)²²⁹ regardless of immigration or citizenship status.</p> <p><i>In Texas, individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.²³⁰</i></p>	<p>Examinations (including rape kits)²³² regardless of immigration or citizenship status.</p> <p><i>In Texas, individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.²³³</i></p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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>and they have either accrued 40 quarters of work credit, or are a veteran, a spouse, unmarried surviving spouse, or minor unmarried child of an honorably discharged veteran or active duty military personnel.¹⁸⁴</p> <p>Exception: After five years of attaining lawful permanent residency, battered immigrants¹⁸⁵ are eligible for medical assistance without any requirement to accrue 40 qualifying work quarters.¹⁸⁶</p> <p>In Texas, individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.¹⁸⁷</p>	<p>Examinations (including rape kits)¹⁹⁴ regardless of immigration or citizenship status.</p> <p>In Texas individuals are eligible for prenatal care, while pregnant, through the CHIP Perinatal Program, regardless of immigration status.¹⁹⁵</p> <p>In Texas, refugees, asylees, T visa holders and continued presence recipients who entered on or after Aug. 22, 1996, are only eligible for subsidized health care through Medicaid during only the seven-year period after obtaining status.¹⁹⁶</p> <p>Exception when refugees, asylees, T visa holders and continued presence recipients who are veterans, active duty military or the spouse, unmarried surviving spouse or child of a veteran or a person on active</p>	<p>In Texas, T visa holders and continued presence recipients who entered on or after Aug. 22, 1996, are only eligible for subsidized health care through Medicaid during only the seven-year period after obtaining status.²⁰⁶</p> <p>Exception when refugees, asylees, T visa holders and continued presence recipients who 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 five year limitation.²⁰⁷</p> <p>Exception: After five years of attaining lawful permanent residency, battered immigrants²⁰⁸ are eligible for medical</p>		<p>active duty military personnel.²¹⁷</p> <p>Exception: After five years of attaining lawful permanent residency, battered immigrants²¹⁸ (which can include SIJS recipients) are eligible for medical assistance without any requirement to accrue 40 qualifying work quarters.²¹⁹</p>	<p>unmarried surviving spouse, or minor unmarried child of an honorably discharged veteran or active duty military personnel.²²⁵</p> <p>Exception: After five years of attaining lawful permanent residency, battered immigrants²²⁶ (which can include U visa recipients) are eligible for medical assistance without any requirement to accrue 40 qualifying work quarters.²²⁷</p>		

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals, ²and Naturalized Citizens	Refugee, Asylee, T Visa,³ Afghans,⁴ Ukrainians ⁵	T Visa⁶ Bona Fide or Continued Presence⁷	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>military duty, or when they have attained lawful permanent residency and have accrued 40 quarters of work credit, they are eligible past the five year limitation. ¹⁹⁷</i></p> <p><i>Exception: After five years of attaining lawful permanent residency, battered immigrants¹⁹⁸ are eligible for medical assistance without any requirement to accrue 40 qualifying work quarters.¹⁹⁹</i></p>	<p><i>assistance without any requirement to accrue 40 qualifying work quarters.²⁰⁹</i></p>					
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. ²³⁴							
Family and Medical Leave Act	Texas has no state Family and Medical Leave Act. Federal FMLA law applies. ²³⁵							
Education-Federal Benefits: Federal Student Aid, Grants and Loans²³⁶ FAFSA	VAWAs with prima facie determinations, Battered Spouse Waiver applicants, and all lawful permanent residents, eligible. ²³⁷ Naturalized citizens, eligible. ²³⁸	Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid. ²³⁹	Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under	Not eligible for federal student aid. ²⁴¹	Eligible for federal student aid upon receipt of lawful permanent residency. ²⁴²	Eligible for federal student aid upon receipt of lawful permanent residency. ²⁴³	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	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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
Education-Federal Benefits			18), and family members with T visa status, are eligible for federal student aid. ²⁴⁰					
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.²⁴⁴ Eligible to apply for and enroll in state funded colleges and universities without regard to immigration status.²⁴⁵</p> <p><i>At its public postsecondary institutions, Texas allows in-state tuition rates and access to institutional aid or scholarships for eligible students, regardless of immigration status.²⁴⁶ To receive in-state tuition, as of the date of graduating high school or receiving an equivalent degree, the student must have attended school in the state for at least three years while residing with a parent or guardian in the state. Immigrant students who are not lawful permanent residents must provide an affidavit promising to apply to become a lawful permanent resident at the earliest opportunity.²⁴⁷</i></p>							
Supplemental Security Income (SSI) ²⁴⁸	<p>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.²⁴⁹ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.²⁵⁰</p> <p>Eligible upon receiving lawful permanent residency if credited with 40</p>	<p><u>Refugees/Asylees:</u> Eligible during first seven years after the status was granted. ²⁵⁴</p> <p><u>Trafficking victims:</u> Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.²⁵⁵</p> <p><u>T visa</u>²⁵⁶: 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.²⁵⁷ May also be eligible with a</p>	<p>Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees.²⁶⁰</p>	Not eligible.	<p>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,²⁶¹ subject to five-year bar²⁶² for those who arrived on or after August 22, 1996.²⁶³</p>	<p>Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work²⁶⁴ subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled.²⁶⁵ Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979.²⁶⁶</p>	Not eligible. ²⁶⁷	Not eligible. ²⁶⁸

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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	quarters of work, ²⁵¹ subject to five-year bar. ²⁵² Naturalized citizens, eligible. ²⁵³	prima facie determination if currently receiving SSI based on an application filed before 1979. ²⁵⁸ This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years. ²⁵⁹						
Professional and Occupational Licenses	Texas has 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 ²⁶⁹	<p>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.²⁷⁰ The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.²⁷¹ All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).²⁷² DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS. ²⁷³ In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”²⁷⁴</p> <p><i>In Texas, immigrants who are lawful permanent residents, refugees or asylees are eligible for a driver’s license.²⁷⁵ The Department of Public Safety accepts the following documents:²⁷⁶</i></p> <ul style="list-style-type: none"> • <i>Proof of lawful status²⁷⁷</i> <ul style="list-style-type: none"> ○ <i>Permanent Resident Card (Form I-551); Unexpired employment authorization document (EAD), (I-766); Foreign passport with attached temporary I-551 (immigrant visa endorsed with ADIT stamp); Passport or I-94 stamped “Approved I-551”; Passport or I-94 stamped “Processed for I-551”; Permit to Reenter the United States (Form I-327); I-94 or passport with annotation “Section 207” or “refugee with photo”; Refugee Travel Document (Form I-571); I-688B coded 274a.12(a)(3); I-766 with category A3 or A03; I-94 or passport with annotation “Section 208” or “asylee with photo”; I-688B coded 274a.12(a)(5); I-766 with category A5 or A05; Refugee Travel Letter with photo, stamped by Customs and Border Protection</i> • <i>Proof of Texas Residency</i> • <i>Identity²⁷⁸</i> <ul style="list-style-type: none"> ○ <i>Permanent Resident Card (I-551); Foreign passport with attached temporary I-551 (immigrant visa endorsed with ADIT stamp); Temporary Resident Identification Card (I-688); Employment Authorization Card (I-766)²⁷⁹; U.S. Travel Document</i> 						Not eligible.	

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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-327 or I-571); Advance Parole Document (I-512 or I-512L); I-94 stamped Sec. 208 Asylee with photo; I-94 stamped Sec. 207 Refugee with photo; Refugee Travel Letter with photo, stamped by Customs and Border Protection</p> <ul style="list-style-type: none"> ▪ 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.²⁸⁰ <ul style="list-style-type: none"> • Proof of Social Security number 							
Housing 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.²⁸¹ 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; 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.²⁸²</p> <p><i>In Texas, the Department of Housing and Community Affairs provides assistance for emergency & homeless services by assisting in short-term payment help, eviction relief, homeless shelters and services.</i>²⁸³</p>							
Public and Assisted ²⁸⁴ Housing, ²⁸⁵ and Low-Income Housing Tax Credit (LIHTC) Housing ²⁸⁶	<p>Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility.²⁸⁷</p> <p>USDA rental housing follows HUD procedures for processing VAWA self-petitions,²⁸⁸ so should be eligible for all USDA rental housing unless and until a final</p>	<p><u>Refugee/Asylee, T visa holder or T visa applicant</u> with prima facie (bona fide) determination eligible for:</p> <p>HUD public and assisted housing;²⁹⁹ USDA Section 515 Rural Rental Housing;³⁰⁰ USDA Section 521 Rural Rental Assistance;³⁰¹ USDA Section 514/516 Farm Labor Housing if immediate family member³⁰² or remaining</p>	<p>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 status (no need for HHS certification or eligibility determination),³⁰⁶ are eligible for: HUD public and assisted housing³⁰⁷ and USDA rental housing.³⁰⁸</p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),³¹⁰ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.³¹¹</p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),³¹³ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.³¹⁴</p> <p>Upon receiving lawful permanent residency,³¹⁵ eligible for HUD³¹⁶ and USDA³¹⁷ rental housing.³¹⁸</p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),³²⁰ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.³²¹</p> <p>Upon receiving lawful permanent residency,³²² eligible for HUD³²³ and USDA³²⁴ rental housing.³²⁵</p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),³²⁷ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.³²⁸</p> <p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC)</i></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),³³⁰ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.³³¹</p> <p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC)</i></p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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>determination of ineligibility.</p> <p>Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²⁸⁹ and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.²⁹⁰</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 unit.²⁹¹</p> <p>Lawful permanent residents are eligible for public and assisted housing²⁹² and for USDA Section 514/516 Farm Lab or Housing;²⁹³ USDA Section 521 Rural Rental Assistance.²⁹⁴</p>	<p>household member³⁰³ of eligible domestic farm laborer.</p> <p>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.³⁰⁴</p> <p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.³⁰⁵</i></p>	<p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.³⁰⁹</i></p>	<p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.³¹²</i></p>	<p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.³¹⁹</i></p>	<p><i>May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.³²⁶</i></p>	<p><i>Program property.³²⁹</i></p>	<p><i>Program property.³³²</i></p>

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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	Naturalized citizens are eligible for public and assisted housing ²⁹⁵ and for USDA Section 514/516 Farm Lab or Housing; ²⁹⁶ USDA Section 521 Rural Rental Assistance. ²⁹⁷ <i>May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.²⁹⁸</i>							
Income Tax Credits	<p>Child Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes.³³³ A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).³³⁴ 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.³³⁵</p> <p>Child and Dependent Care Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—</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.³³⁶ <p>The child or dependent must have a social security number or ITIN.³³⁷ 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.³³⁸</p>							
Earned Income Tax Credit (EITC)	VAWA self-petitioners, lawful permanent residents, and naturalized citizens who ³³⁹ : have been granted work	Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have	Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have	DACA applicants who: are granted work authorization, have lived in	SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, ³⁵⁶ have a	Wait-list approved U visa applicants with work authorization and U visa holders granted lawful permanent residency who: have	Not eligible.	Not eligible.

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals, ²and Naturalized Citizens	Refugee, Asylee, T Visa,³ Afghans, ⁴ Ukrainians ⁵	T Visa⁶ Bona Fide or Continued Presence⁷	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
EITC	authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, ³⁴⁰ have a social security number valid for work, ³⁴¹ and have earned income during the tax year ³⁴² are eligible for the earned income tax credit (EITC). ³⁴³	lived in the U.S. for at least 183 days during the tax year, ³⁴⁴ have a social security number valid for work, ³⁴⁵ and have earned income during the tax year ³⁴⁶ are eligible for the earned income tax credit (EITC). ³⁴⁷	lived in the U.S. for at least 183 days during the tax year, ³⁴⁸ have a social security number valid for work, ³⁴⁹ and have earned income during the tax year ³⁵⁰ are eligible for the earned income tax credit (EITC). ³⁵¹	the U.S. for at least 183 days during the tax year, ³⁵² have a social security number valid for work, ³⁵³ and have earned income during the tax year ³⁵⁴ are eligible for the earned income tax credit (EITC). ³⁵⁵	social security number valid for work, ³⁵⁷ and have earned income during the tax year ³⁵⁸ are eligible for the earned income tax credit (EITC). ³⁵⁹	lived in the U.S. for at least 183 days during the tax year, ³⁶⁰ have a social security number valid for work, ³⁶¹ and have earned income during the tax year ³⁶² are eligible for the earned income tax credit (EITC). ³⁶³		
Legal Services³⁶⁴	An immigrant who (or whose child) is battered or subjected to extreme cruelty ³⁶⁵ inside or outside of the United States ³⁶⁶ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse. ³⁶⁷ Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident	<u>Refugee/Asylee:</u> Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles. ³⁷⁷ <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, ³⁷⁸ is eligible for legal assistance on any	An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, ³⁸⁴ and family members with (or applying for) T visa status, ³⁸⁵ are eligible for legal assistance on any matter the LSC-funded agency handles. Eligible for Office of Violence Against Women funded Legal Assistance ³⁸⁶ for victims of domestic violence, sexual assault,	A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, ³⁹⁰ or is a victim of sexual assault or trafficking in the U.S., ³⁹¹ is eligible for legal services from LSC-funded agencies ³⁹² on	Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, ³⁹⁸ or sexual assault or trafficking in the U.S., ³⁹⁹ on matters related to the abuse. ⁴⁰⁰ Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status, ⁴⁰¹ or, for the spouse, parent or unmarried child under	An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status ⁴⁰⁷ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies ⁴⁰⁸ on matters related to the crime victimization. ⁴⁰⁹	An immigrant who has (or whose child has) applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status ⁴¹⁶ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies ⁴¹⁷ on matters related to	An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, ⁴²³ or is a victim of sexual assault or trafficking in the U.S., ⁴²⁴ is eligible for legal services from LSC-funded agencies ⁴²⁵ on matters related to the abuse. ⁴²⁶

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals, ²and Naturalized Citizens	Refugee, Asylee, T Visa,³ Afghans, ⁴ Ukrainians ⁵	T Visa⁶ Bona Fide or Continued Presence⁷	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>status,³⁶⁸ or spouses, parents, and unmarried children under age 21 of U.S. citizens³⁶⁹ become eligible for full representation on any matter upon filing an application for lawful permanent residency.³⁷⁰</p> <p>Lawful permanent residents, applicants for lawful permanent residency,³⁷¹ and naturalized citizens³⁷² are eligible for full representation.</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁷³ as a victim of domestic violence, sexual assault, stalking³⁷⁴ or dating violence.³⁷⁵ Must be at least 11 years old.³⁷⁶</p>	<p>matter the LSC-funded agency handles.³⁷⁹</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁸⁰ for victims of domestic violence, sexual assault, stalking³⁸¹ or dating violence.³⁸² Must be at least 11 years old.³⁸³</p>	<p>stalking³⁸⁷ or dating violence.³⁸⁸ Must be at least 11 years old.³⁸⁹</p>	<p>matters related to the abuse.³⁹³</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁹⁴ for victims of domestic violence, sexual assault, stalking³⁹⁵ or dating violence.³⁹⁶ Must be at least 11 years old.³⁹⁷</p>	<p>21 of a U.S. citizen, upon filing an application for LPR status.⁴⁰²</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance⁴⁰³ for victims of domestic violence, sexual assault, stalking⁴⁰⁴ or dating violence.⁴⁰⁵ Must be at least 11 years old.⁴⁰⁶</p>	<p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,⁴¹⁰ or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.⁴¹¹</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance⁴¹² for victims of domestic violence, sexual assault, stalking⁴¹³ or dating violence.⁴¹⁴ Must be at least 11 years old.⁴¹⁵</p>	<p>the crime victimization.⁴¹⁸</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance⁴¹⁹ for victims of domestic violence, sexual assault, stalking⁴²⁰ or dating violence.⁴²¹ Must be at least 11 years old.⁴²²</p>	<p>Eligible for Office of Violence Against Women funded Legal Assistance⁴²⁷ for victims of domestic violence, sexual assault, stalking⁴²⁸ or dating violence.⁴²⁹ Must be at least 11 years old.⁴³⁰</p>
Weatherization Assistance Program (WAP) and Low-Income Home Energy	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.⁴³¹</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.⁴³⁵</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.⁴³⁹</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.⁴⁴⁵</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.⁴⁴⁵</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without regard to immigration status.⁴⁴⁹</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to</p>

	VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, COFA Nationals,² and Naturalized Citizens	Refugee, Asylee, T Visa,³ Afghans,⁴ Ukrainians⁵	T Visa⁶ Bona Fide or Continued Presence⁷	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
Assistance Program (LIHEAP)	<p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship.⁴³²</p> <p><i>In Texas, the Comprehensive Energy Assistance Program (CEAP) administers the state LIHEAP⁴³³, and the Texas Weatherization Assistance Program Administers WAP.⁴³⁴</i></p>	<p>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.⁴³⁶</p> <p><i>In Texas, the Comprehensive Energy Assistance Program (CEAP) administers the state LIHEAP⁴³⁷, and the Texas Weatherization Assistance Program Administers WAP.⁴³⁸</i></p>	<p>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.⁴⁴⁰</p> <p><i>In Texas, the Comprehensive Energy Assistance Program (CEAP) administers the state LIHEAP⁴⁴¹, and the Texas Weatherization Assistance Program Administers WAP.⁴⁴²</i></p>	<p>dwellings, without regard to immigration status.⁴⁴³</p> <p><i>In Texas, the Texas Weatherization Assistance Program Administers WAP.⁴⁴⁴</i></p>	<p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.⁴⁴⁶</p> <p><i>In Texas, the Comprehensive Energy Assistance Program (CEAP) administers the state LIHEAP⁴⁴⁷, and the Texas Weatherization Assistance Program Administers WAP.⁴⁴⁸</i></p>	<p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.⁴⁵⁰</p> <p><i>In Texas, the Comprehensive Energy Assistance Program (CEAP) administers the state LIHEAP⁴⁵¹, and the Texas Weatherization Assistance Program Administers WAP.⁴⁵²</i></p>	<p>immigration status.⁴⁵³</p> <p><i>In Texas, the Texas Weatherization Assistance Program Administers WAP.⁴⁵⁴</i></p>	<p>immigration status.⁴⁵⁵</p> <p><i>In Texas, the Texas Weatherization Assistance Program Administers WAP.⁴⁵⁶</i></p>
Federal Emergency Management Agency (FEMA) Assistance⁴⁵⁷	<p>Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status or naturalized citizenship. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.⁴⁵⁸</p> <p>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.⁴⁵⁹</p>							
Federal Emergency	Upon receipt of VAWA prima facie determination, lawful permanent residence,	FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster	Human trafficking victims eligible: with HHS Certification (based on continued	Not eligible.	Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs,	Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs,	Upon receiving lawful permanent residency:	Not eligible. ⁴⁸¹

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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
Management Agency (FEMA)-Restricted Programs ⁴⁶⁰	<p>or naturalized citizenship⁴⁶¹:</p> <p>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴⁶²</p> <p>Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.⁴⁶³</p> <p><i>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.</i>⁴⁶⁴</p>	<p>Unemployment Assistance (DUA): open to <u>Refugees, Asylees, T visa applicants</u> with prima facie (bona fide) determination.⁴⁶⁵</p> <p>Emergency SNAP open to <u>Refugees/Asylees</u> (no five-year bar),⁴⁶⁶ 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, 1931.⁴⁶⁷</p> <p><i>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.</i>⁴⁶⁸</p>	<p>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).⁴⁶⁹</p> <p>These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.⁴⁷⁰</p> <p><i>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.</i>⁴⁷¹</p>		<p>Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴⁷²</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.⁴⁷³</p> <p><i>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.</i>⁴⁷⁴</p>	<p>Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴⁷⁵</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.⁴⁷⁶</p> <p><i>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds.</i>⁴⁷⁷</p>	<p>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).⁴⁷⁸</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.⁴⁷⁹</p> <p><i>Those impacted by Hurricane Harvey may be</i></p>	

	VAWA Self-Petitioners, Battered Spouse Waivers, ¹ Lawful Permanent Residents, COFA Nationals, ² and Naturalized Citizens	Refugee, Asylee, T Visa, ³ Afghans, ⁴ Ukrainians ⁵	T Visa ⁶ Bona Fide or 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							<i>eligible for housing assistance through the FEMA-supported Texas Rebuilds.</i> ⁴⁸⁰	
Unemployment Insurance ⁴⁸²	Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship. ⁴⁸³	<u>Refugee:</u> Eligible for UI. ⁴⁸⁴ <u>Asylee:</u> Eligible for UI upon grant receipt of work authorization. ⁴⁸⁵ <u>T Visa, Afghans, and Ukrainians:</u> Eligible for UI upon receipt of work authorization. ⁴⁸⁶	Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization. ⁴⁸⁷	Eligible for UI upon receipt of work authorization. ⁴⁸⁸	Eligible for UI upon receipt of work authorization. ⁴⁸⁹	Eligible for UI upon receipt of work authorization. ⁴⁹⁰	Not eligible. ⁴⁹¹	Not eligible. ⁴⁹²

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 Dep’t. of Homeland Security).

⁴ Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43, 135 Stat. 344, 377 (2021) (Afghans granted humanitarian parole between July 31, 2021, and September 30, 2023 — and their spouses and children, and parents or guardians of unaccompanied children granted parole after September 30, 2022 — also are eligible for federal benefits to the same extent as refugees. Eligibility for this group continues until March 31, 2023, or the end of their parole term, whichever is later.). *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 Admin. for Child. and Fams., Off. 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).

⁵ *Dep't. 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://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians> (Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2023 – and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2023 – are eligible for federal benefits to the same extent as refugees.); *See The Admin. for Child. and Fams., Off. 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.); OFF. 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 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>.

¹² 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.

¹³ 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/. *See* 8 U.S.C. § 1641(c).

¹⁴ 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. Dep't. 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/>

¹⁵ 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/. *See* 8 U.S.C. § 1641(c).

¹⁶ 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. Dep't. 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/>

¹⁷ DEP’T OF HEALTH & HUM. SERV., *Admin. for Child. and Fams., Off. 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.)

¹⁸ 1 Tex. Admin. Code § 372.201; 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹ 1 Tex. Admin. Code § 372.201; 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. 2023), 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. 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 OFF. 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 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/; 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 1 Tex. Admin. Code § 372.201; NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁴ 1 Tex. Admin. Code § 372.201(3)(D); *A-342 TANF and Medical Programs Alien Status Eligibility Charts*, TX HEALTH & HUM. SERVS., *Texas Work Handbook*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/twh-a-300-citizenship#A342> (search “Chart B” for “Refugee” and “Asylee”) (last accessed July 23, 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, footnote 5 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁵ 1 Tex. Admin. Code § 372.201(3)(D); *A-342 TANF and Medical Programs Alien Status Eligibility Charts*, TX HEALTH & HUM. SERVS., *Texas Work Handbook*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/twh-a-300-citizenship#A342> (search “Chart B” for “Victim of Severe Trafficking”) (last accessed July 23, 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, footnote 5 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁶ 1 Tex. Admin. Code § 372.201; 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

- ²⁷ OFF. 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)).
- ²⁸ OFF. 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>
- ²⁹ OFF. 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).
- ³⁰ 1 Tex. Admin. Code § 372.201; NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
- ³¹ 1 Tex. Admin. Code § 372.201(3)(D); A-342 TANF and Medical Programs Alien Status Eligibility Charts, TX HEALTH & HUM. SERVS., *Texas Work Handbook*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/twh-a-300-citizenship#A342> (search "Chart B" for "Victim of Severe Trafficking") (last accessed July 23, 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, footnote 5 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
- ³² 1 Tex. Admin. Code § 372.201; 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. 2023), 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
- ³⁴ 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/. 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).
- ³⁵ 8 U.S.C. § 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse's or parent's family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Dep't. 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>
- ³⁶ 1 Tex. Admin. Code § 372.201; 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
- ³⁷ 1 Tex. Admin. Code § 372.201; 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. 2023), 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1).
- ³⁹ 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. Dep't. 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), <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>
- ⁴⁰ 1 Tex. Admin. Code § 372.201; 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

- ⁴¹ 1 Tex. Admin. Code § 372.201; 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
- ⁴² 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/.
- ⁴³ 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/.
- ⁴⁴ 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. Dep't. of Health and Hum. Servs., Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFF. 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).
- ⁴⁵ 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).
- ⁴⁶ *Admin. for Child. and Fams., Off. 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.)
- ⁴⁷ 1 Tex. Admin. Code § 372.201; *D-103: Child's Age & Citizenship or Immigration Status*, TX WORKFORCE COMM'N, *Child Care Services Guide – D-100: Eligibility for Child Care Services*, <http://www.twc.state.tx.us/child-care-services-guide-d-100-eligibility-child-care-services#d10ChildsAgeCitizenshipOrImmigrationStatus> (last visited July 24, 2018); 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 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.
- ⁴⁹ 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.
- ⁵⁰ 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.
- ⁵¹ 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.
- ⁵² 1 Tex. Admin. Code § 372.201; *D-103: Child's Age & Citizenship or Immigration Status*, TX WORKFORCE COMM'N, *Child Care Services Guide – D-100: Eligibility for Child Care Services*, <http://www.twc.state.tx.us/child-care-services-guide-d-100-eligibility-child-care-services#d10ChildsAgeCitizenshipOrImmigrationStatus> (last visited July 24, 2018); 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 OFF. 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)).
- 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; 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/>; OFF. 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).
- ⁵⁵ 1 Tex. Admin. Code § 372.201; *D-103: Child's Age & Citizenship or Immigration Status*, TX WORKFORCE COMM'N, *Child Care Services Guide – D-100: Eligibility for Child Care Services*, <http://www.twc.state.tx.us/child-care-services-guide-d-100-eligibility-child-care-services#d10ChildsAgeCitizenshipOrImmigrationStatus> (last visited July 24, 2018); 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/>.
- ⁵⁶ 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.
- ⁵⁷ 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.
- ⁵⁸ 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. Dep't. of Health and Hum. Servs., Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFF. 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).

- ⁵⁹ 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. Dep't. of Health and Hum. Servs.**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFF. 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).
- ⁶⁰ 1 Tex. Admin. Code § 372.201; *D-103: Child's Age & Citizenship or Immigration Status*, TX WORKFORCE COMM'N, *Child Care Services Guide – D-100: Eligibility for Child Care Services*, <http://www.twc.state.tx.us/child-care-services-guide-d-100-eligibility-child-care-services#d10ChildsAgeCitizenshipOrImmigrationStatus> (last visited July 24, 2018); 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/>.
- ⁶¹ 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.
- ⁶² 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. Dep't. of Health and Hum. Servs.**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFF. 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).
- ⁶³ 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. Dep't. of Health and Hum. Servs.**, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFF. 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).
- ⁶⁴ 1 Tex. Admin. Code § 372.201; *D-103: Child's Age & Citizenship or Immigration Status*, TX WORKFORCE COMM'N, *Child Care Services Guide – D-100: Eligibility for Child Care Services*, <http://www.twc.state.tx.us/child-care-services-guide-d-100-eligibility-child-care-services#d10ChildsAgeCitizenshipOrImmigrationStatus> (last visited July 24, 2018); 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/>.
- 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 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.
- ⁶⁷ 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.)
- ⁶⁸ 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/; *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)
- ⁶⁹ *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).
- ⁷⁰ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. § 204.2(c)(1). See, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. See, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. See, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect>; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.
- ⁷¹ 1 Tex. Admin. Code § 372.203; See *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).
- ⁷² 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. 2023), 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

⁷³ 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. 2023), 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).

⁷⁴ 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. 2023), 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. 2023), 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)).

⁷⁶ OFF. 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).

⁷⁷ 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. 2023), 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).

⁷⁸ 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/; *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).

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).

⁸⁰ *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).

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). (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.)

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). May be subject to deeming.

⁸³ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. § 204.2(c)(1). See, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. See, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. See, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect>; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.

⁸⁴ 1 Tex. Admin. Code § 372.203; See *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens in TX WORKS HANDBOOK*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

⁸⁵ 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/; *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).

⁸⁶ *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.)

⁸⁷ *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.

⁸⁸ 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.).

⁸⁹ *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.

⁹⁰ *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.

⁹¹ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. §204.2(c)(1). See, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. See, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. See, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect>; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.

⁹² 1 Tex. Admin. Code § 372.203; See *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

⁹³ 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).

⁹⁴ *WIC Contacts*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-contacts> (last visited June 14, 2018).

⁹⁵ *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).

⁹⁶ 25 Tex. Admin. Code § 31.22; *Find a Location Near You*, TX WIC, <http://txhealth.ziplocator.com/> (last visited July 24, 2018).

⁹⁷ 25 Tex. Admin. Code § 31.22; *Texas WIC Income Guidelines*, TX WIC, *Apply*, <https://texaswic.org/apply> (last visited July 24, 2018).

⁹⁸ 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/>.

⁹⁹ 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/>.

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 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/>.

¹⁰¹ 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/>.

¹⁰² 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/>.

¹⁰³ 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/>.

¹⁰⁴ 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/>.

¹⁰⁵ 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/>.

¹⁰⁶ 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).

¹⁰⁷ 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/>.

¹⁰⁸ 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/>.

¹⁰⁹ 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/>.

¹¹⁰ 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/>.

¹¹¹ 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/>.

¹¹² Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMGR. WOMEN'S ADVOC. PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; NAT'L 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>.

¹¹³ 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).

¹¹⁴ 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-forensiccoverageimmigrants>; 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>.

¹¹⁵ 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹¹⁶ 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).

¹¹⁷ 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/.

¹¹⁸ 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).

¹¹⁹ 1 Tex. Admin. Code §§ 366.513, 370.43. HHSC or its designee will review all applications to determine eligibility for either Children's Medicaid or CHIP. Once eligibility has been determined, a letter is sent to the Applicant containing the results of the determination, effective dates and enrollment information. See 1 Tex. Admin. Code § 370.45; *Chart D – Medical Programs*, TX HEALTH & HUM. SERVS., *A-310 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A342> (scroll to "Chart D") (last visited July 25, 2018); *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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²⁰ 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/>.

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

¹²² 42 C.F.R. § 435.4(1)(i).

¹²³ *Part D, Children's Health Insurance Program*, TX HEALTH & HUM. SERVS., *D-110 General Policy* (setting CHIP income eligibility) <https://www.hhs.texas.gov/handbooks/texas-works-handbook/d-110-general-policy> (last visited Aug. 24, 2022).

¹²⁴ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. See 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

¹²⁵ 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. 2023), 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.

¹²⁶ 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.

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

¹²⁸ 22 U.S.C. § 7105(b)(1) Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. *See also* 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility continues past this seven year limitation, since by seven years they will have been in the U.S. long enough that the five year bar to public benefits access will not apply. As a result, they will become “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. *See* 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. *See also* Nat'l 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/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.

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

¹³⁰ 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/.

¹³¹ 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).

¹³² 1 Tex. Admin. Code §§ 366.513, 370.43. HHSC or its designee will review all applications to determine eligibility for either Children’s Medicaid or CHIP. Once eligibility has been determined, a letter is sent to the Applicant containing the results of the determination, effective dates and enrollment information. *See* 1 Tex. Admin. Code § 370.45; *Chart D – Medical Programs, TX HEALTH & HUM. SERVS., A-310 General Policy in TX WORKS HANDBOOK*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A342> (scroll to “Chart D”)(last visited July 25, 2018); *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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹³³ 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/>.

¹³⁴ 42 C.F.R. § 435.4(1)(xii).

¹³⁵ *Part D, Children’s Health Insurance Program, TX HEALTH & HUM. SERVS., D-110 General Policy* (setting CHIP income eligibility) <https://www.hhs.texas.gov/handbooks/texas-works-handbook/d-110-general-policy> (last visited Aug. 24, 2022).

¹³⁶ *CHIP Perinatal, TX HEALTH & HUM. SERVS., D-410 General Policy in TX WORKS HANDBOOK*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible, TX HEALTH & HUM. SERVS., Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

¹³⁷ 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/. *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.

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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; OFF. 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).

¹³⁹ 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. 2023), 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)).

¹⁴⁰ 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/.

¹⁴¹ 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).

¹⁴² 1 Tex. Admin. Code §§ 366.513, 370.43. HHSC or its designee will review all applications to determine eligibility for either Children's Medicaid or CHIP. Once eligibility has been determined, a letter is sent to the Applicant containing the results of the determination, effective dates and enrollment information, where appropriate. See 1 Tex. Admin. Code § 370.45; *Chart D – Medical Programs*, TX HEALTH & HUM. SERVS., *A-310 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A342> (scroll to "Chart D") (last visited July 25, 2018); *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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁴³ 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/>.

¹⁴⁴ 42 U.S.C. § 435.4(2)(i)

¹⁴⁵ *Part D, Children's Health Insurance Program*, TX HEALTH & HUM. SERVS., *D-110 General Policy* (setting CHIP income eligibility) <https://www.hhs.texas.gov/handbooks/texas-works-handbook/d-110-general-policy> (last visited Aug. 24, 2022).

¹⁴⁶ *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of the CHIP Perinatal. See 1 Tex. Admin. Code § 366.813.

¹⁴⁷ 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/.

¹⁴⁸ 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).

¹⁴⁹ 1 Tex. Admin. Code §§ 366.513, 370.43. HHSC or its designee will review all applications to determine eligibility for either Children's Medicaid or CHIP. Once eligibility has been determined, a letter is sent to the Applicant containing the results of the determination, effective dates and enrollment information, where appropriate. See 1 Tex. Admin. Code § 370.45; *Chart D – Medical Programs*, TX HEALTH & HUM. SERVS., *A-310 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A342> (scroll to "Chart D") (last visited July 25, 2018); *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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁵⁰ 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/>.

¹⁵¹ 45 C.F.R. 155.20(9); See, CMS, HHS Final Rule Clarifying Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens (May 3, 2024) <https://www.cms.gov/newsroom/fact-sheets/hhs-final-rule-clarifying-eligibility-deferred-action-childhood-arrivals-daca-recipients-and-certain#>.

¹⁵² *Part D, Children’s Health Insurance Program*, TX HEALTH & HUM. SERVS., *D-110 General Policy* (setting CHIP income eligibility) <https://www.hhs.texas.gov/handbooks/texas-works-handbook/d-110-general-policy> (last visited Aug. 24, 2022).

¹⁵³ *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of the CHIP Perinatal. See 1 Tex. Admin. Code § 366.813.

¹⁵⁴ 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/.

¹⁵⁵ 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).

¹⁵⁶ 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/. See 8 U.S.C. § 1641(b)(1).

¹⁵⁷ 1 Tex. Admin. Code §§ 366.513, 370.43. HHSC or its designee will review all applications to determine eligibility for either Children’s Medicaid or CHIP. Once eligibility has been determined, a letter is sent to the Applicant containing the results of the determination, effective dates and enrollment information, where appropriate. See 1 Tex. Admin. Code § 370.45; *Chart D – Medical Programs*, TX HEALTH & HUM. SERVS., *A-310 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A342> (scroll to “Chart D”) (last visited July 25, 2018); *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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁵⁸ 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/>.

¹⁵⁹ See, ARK. DEP’T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN’S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); See, NAT’L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20*, (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immis-in-states.pdf>.

¹⁶⁰ *Part D, Children’s Health Insurance Program*, TX HEALTH & HUM. SERVS., *D-110 General Policy* (setting CHIP income eligibility) <https://www.hhs.texas.gov/handbooks/texas-works-handbook/d-110-general-policy> (last visited Aug. 24, 2022).

¹⁶¹ *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of the CHIP Perinatal. See 1 Tex. Admin. Code § 366.813.

¹⁶² 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁶³ 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/. See 8 U.S.C. § 1641(b)(1).

¹⁶⁴ 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/.

¹⁶⁵ 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).

¹⁶⁶ 1 Tex. Admin. Code §§ 366.513, 370.43. HHSC or its designee will review all applications to determine eligibility for either Children’s Medicaid or CHIP. Once eligibility has been determined, a letter is sent to the Applicant containing the results of the determination, effective dates and enrollment information, where appropriate. See 1 Tex. Admin. Code § 370.45; *Chart D – Medical Programs*, TX HEALTH & HUM. SERVS., *A-310 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A342> (scroll to “Chart D”) (last visited July 25, 2018); *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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁶⁷ 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/>.

¹⁶⁸ 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/>.

¹⁶⁹ See, ARK. DEP’T OF HUM. SERVICES, TEMPLATE FOR CHILD HEALTH PLAN UNDER TITLE XXI OF THE SOCIAL SECURITY ACT CHILDREN’S HEALTH INSURANCE PROGRAM, <https://humanservices.arkansas.gov/wp-content/uploads/CHIPStatePlan.pdf> (last visited Apr. 14, 2022); See, NAT’L IMMIGRATION LAW CTR., *Table 3: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-immis-in-states.pdf>.

¹⁷⁰ Part D, *Children’s Health Insurance Program, TX HEALTH & HUM. SERVS., D-110 General Policy* (setting CHIP income eligibility) <https://www.hhs.texas.gov/handbooks/texas-works-handbook/d-110-general-policy> (last visited Aug. 24, 2022).

¹⁷¹ *Who is Eligible, TX HEALTH & HUM. SERVS., Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of the CHIP Perinatal. See 1 Tex. Admin. Code § 366.813.

¹⁷² 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/.

¹⁷³ 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).

¹⁷⁴ *Who is Eligible, TX HEALTH & HUM. SERVS., Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of the CHIP Perinatal. See 1 Tex. Admin. Code § 366.813.

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¹⁷⁶ 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).

¹⁷⁷ *Who is Eligible, TX HEALTH & HUM. SERVS., Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018). Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of the CHIP Perinatal. See 1 Tex. Admin. Code § 366.813.

¹⁷⁸ 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-forensiccoverageimmigrants/>; 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/>.

¹⁷⁹ 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁸⁰ *Immigrants, Coverage for U.S. Citizens and U.S. Nationals*, HEALTHCARE.GOV (last visited February 27, 2024) <https://www.healthcare.gov/immigrants/us-citizens-and-nationals/>; NAT’L IMMIGR. L. CTR., “LAWFULLY PRESENT” INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2022), <https://www.nilc.org/wp-content/uploads/2022/12/Lawfully-Present-Individuals-Eligible-Under-ACA-PDF.pdf>. See 8 U.S.C. § 1641(c).

¹⁸¹ 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/.

¹⁸² 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).

¹⁸³ 1 Tex. Admin. Code § 366.813(3)(D); *TANF and Medical Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/twh-a-300-citizenship#A343> (last visited July 25, 2018).

¹⁸⁵ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. §204.2(c)(1). *See*, Leslye E. Orloff, Brittney Roberts and Stefanie Gitler, “Battering or Extreme Cruelty” Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. *See*, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect/>; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.

¹⁸⁶ 1 Tex. Admin. Code § 366.813(3)(D); *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

¹⁸⁷ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHS or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid’s Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

¹⁸⁸ 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. 2023), 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.

¹⁸⁹ D-8310 TEXAS HEALTH & HUMAN SERVICES *Qualified Aliens Subject to a Seven Year Limitation* <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/d-8300-qualified-alien-categories#D8300> (last visited Aug. 24, 2022). This limitation does not apply to asylees, refugees, and T visa holders who become lawful permanent residents and earn 40 quarters of work credit. D-8320 TEXAS HEALTH & HUMAN SERVICES *Qualified Aliens Not Subject to a Waiting Period or Limited Period* <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/d-8300-qualified-alien-categories#D8300> (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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁰ 22 U.S.C. § 7105(b)(1) Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. *See also* 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility continues past this seven year limitation, since by seven years they will have been in the U.S. long enough that the five year bar to public benefits access will not apply. As a result, they will become “qualified immigrants” eligible for federal means-tested public benefits with no “five year bar” waiting period. If a state does not recognize the “qualified immigrant” exception, § 1612(b)(2) lists exceptions that independently lift the five year bar; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. *See* 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. *See also* Nat’l 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/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation.

¹⁹¹ 22 U.S.C. § 7105(b)(1); *See also* 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to

qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.

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

¹⁹³ 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/.

¹⁹⁴ 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).

¹⁹⁵ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy in TX WORKS HANDBOOK*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

¹⁹⁶ D-8310 TEXAS HEALTH & HUMAN SERVICES *Qualified Aliens Subject to a Seven Year Limitation* <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/d-8300-qualified-alien-categories#D8300> (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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁷ The seven-year limitation does not apply to asylees, refugees, and T visa holders who become lawful permanent residents and earn 40 quarters of work credit. D-8320 TEXAS HEALTH & HUMAN SERVICES *Qualified Aliens Not Subject to a Waiting Period or Limited Period* <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/d-8300-qualified-alien-categories#D8300> (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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁹⁸ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. §204.2(c)(1). *See*, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, “Battering or Extreme Cruelty” Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. *See*, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, *State Law Definitions of Domestic Violence Include Child Abuse*, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect>; Chloe Canetti & Leslye E. Orloff, *State Law Definitions of Child Abuse*, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.

¹⁹⁹ 1 Tex. Admin. Code § 366.813(3)(D); *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens in TX WORKS HANDBOOK*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

²⁰⁰ 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/. *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)).

²⁰¹ 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/; OFF. 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).

²⁰² 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. 2023), 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)).

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²⁰⁴ 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).

²⁰⁵ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

²⁰⁶ D-8310 TEXAS HEALTH & HUMAN SERVICES *Qualified Aliens Subject to a Seven Year Limitation* <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/d-8300-qualified-alien-categories#D8300> (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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁰⁷ The seven-year limitation does not apply to asylees, refugees, and T visa holders who become lawful permanent residents and earn 40 quarters of work credit. D-8320 TEXAS HEALTH & HUMAN SERVICES *Qualified Aliens Not Subject to a Waiting Period or Limited Period* <https://www.hhs.texas.gov/handbooks/medicaid-elderly-people-disabilities-handbook/d-8300-qualified-alien-categories#D8300> (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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

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²⁰⁹ 1 Tex. Admin. Code § 366.813(3)(D); *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

²¹⁰ 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/.

²¹¹ 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).

²¹² 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

²¹³ 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/.

²¹⁴ 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).

²¹⁵ 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/. *See* 8 U.S.C. § 1641(b)(1).

²¹⁶ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified

immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

²¹⁸ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. § 204.2(c)(1). *See*, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. *See*, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect/>; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.

²¹⁹ 1 Tex. Admin. Code § 366.813(3)(D); *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

²²⁰ 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/.

²²¹ 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).

²²² 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²²³ 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/. *See* 8 U.S.C. § 1641(b)(1).

²²⁴ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

²²⁶ Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R. § 204.2(c)(1). *See*, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) <http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2>. Victims of domestic violence and child abuse as defined under state law also qualify. *See*, Tex. Fam. Code Ann. §§ 71.003, 71.004, 71.005, 71.006, Tex. Fam. Code Ann. § 81.001; Tex. Fam. Code Ann. § 261.001. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect/>; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse, <http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart>.

²²⁷ 1 Tex. Admin. Code § 366.813(3)(D); *All Programs*, TX HEALTH & HUM. SERVS., *A-343 How to Determine Eligibility for Battered Aliens* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-a-determining-eligibility/section-300-citizenship#A354> (last visited July 25, 2018).

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 Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²²⁹ 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).

²³⁰ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy* in TX WORKS HANDBOOK, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified

immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

²³¹ 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/.

²³² 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).

²³³ 1 Tex. Admin. Code § 370.49; *CHIP Perinatal*, TX HEALTH & HUM. SERVS., *D-410 General Policy in TX WORKS HANDBOOK*, <https://hhs.texas.gov/laws-regulations/handbooks/texas-works-handbook/part-d-childrens-health-insurance-program-chip/section-400-citizenship-alien-status> (last visited July 25, 2018). HHSC or its designee may refer a pregnant CHIP member to Medicaid to determine eligibility. If determined eligible for Medicaid, Medicaid coverage will be coordinated to begin when CHIP enrollment ends to avoid gaps in health care coverage. Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible for Medicaid's Pregnant Women program, instead of CHIP Perinatal. *See* 1 Tex. Admin. Code § 366.813; *Who is Eligible*, TX HEALTH & HUM. SERVS., *Texas Medicaid and CHIP – CHIP Perinatal FAQ*, <https://hhs.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-chip-perinatal-faq> (last visited July 24, 2018).

²³⁴ 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, Off. for Victims of Crime, U.S. Dep't. of Justice, Letter ro 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).

²³⁵ 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).

²³⁶ *See generally* OFF. OF FED. STUDENT AID, U.S. DEP'T OF EDUC., *FEDERAL STUDENT AID HANDBOOK 2016-2017* (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf> (The information in this section applies to all student financial aid including grants and loans.).

²³⁷ OFF. 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> ; Daniel T. Madzellan, OFF. 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); OFF. OF FED. STUDENT AID, U.S. DEP'T OF EDUC., *FEDERAL STUDENT AID HANDBOOK 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>.

²³⁸ OFF. 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).

²³⁹ OFF. 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); OFF. OF FED. STUDENT AID, U.S. DEP'T OF EDUC., *FEDERAL STUDENT AID HANDBOOK 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>.

²⁴⁰ OFF. 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); OFF. OF FED. STUDENT AID, U.S. DEP'T OF EDUC., *FEDERAL STUDENT AID HANDBOOK 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>.

²⁴¹ OFF. 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>.

²⁴² OFF. 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).

²⁴³ OFF. 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).

²⁴⁴ Plyler v. Doe 457 U.S. 202 (1982); U.S. DEP'T. 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/>.

- ²⁴⁵ U.S. Immigration and Customs Enforcement, Memo: Undocumented Students Authorized to Enroll in Post-Secondary Educational Institutions (July 24, 2008) <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-dhsundocstudentpost2ndeduaccess-7-24-08>. This law applies to all states except those that have implemented state laws or policies that limit or deny enrollment in public colleges or universities which are Alabama, Georgia and South Carolina. (Current as of July 2021). See, *NAT'L IMMIGRATION LAW CTR., Current State Laws and Policies on Access to Higher Education for Immigrants (July 2021)* <https://www.nilc.org/issues/education/eduaccessstoolkit/eduaccessstoolkit2/#maps>.
- ²⁴⁶ 19 Tex. Admin. Code § 21.24; See *Toolkit: Access to Postsecondary Education*, NAT'L IMMIGR. L. CTR. (Mar. 2024), <https://www.nilc.org/issues/education/eduaccessstoolkit2a/#tables>.
- ²⁴⁷ 19 Tex. Admin. Code § 21.24; Tex. Educ. Code Ann. § 54.053 (Vernon).
- ²⁴⁸ SOC. SEC. 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.).
- ²⁴⁹ 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/; SOC. SEC. 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).
- ²⁵⁰ See 8 U.S.C. § 1612(a)(2)(H).
- ²⁵¹ *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/QC.html>.
- ²⁵² 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/; SOC. SEC. 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.).
- ²⁵³ 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).
- ²⁵⁴ 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/; SOC. SEC. 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.
- ²⁵⁵ See 22 U.S.C. § 7105(b).
- ²⁵⁶ 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SEC. ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>.
- ²⁵⁷ 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/; SOC. SEC. 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).
- ²⁵⁸ See 8 U.S.C. § 1612(a)(2)(H).
- ²⁵⁹ See 8 U.S.C. § 1641(c)(4).
- ²⁶⁰ 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. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SEC. ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>.
- ²⁶¹ *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/QC.html>.
- ²⁶² 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/; SOC. SEC. 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.).
- ²⁶³ 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/; SOC. SEC. 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.).

- ²⁶⁴ *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>.
- ²⁶⁵ 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/; SOC. SEC. 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).
- ²⁶⁶ See 8 U.S.C. § 1612(a)(2)(H).
- ²⁶⁷ *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>.
- ²⁶⁸ *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>.
- ²⁶⁹ 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>.
- ²⁷⁰ 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 Dep't.s of Motor Vehicles*, NAT'L IMMIGR. L. CTR., (Jan. 8, 2018), <https://www.nilc.org/news/the-torch/1-04-18/>.
- ²⁷¹ See 6 C.F.R. § 37.11(g)(1) (2012).
- ²⁷² See *SAVE CaseCheck*, U.S. CITIZENSHIP & IMMGR. 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>.
- ²⁷³ 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).
- ²⁷⁴ 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>. For state-by-state charts tracking the driver license and state identification policies across all 50 states and D.C., see Higher Ed Immigration Portal, <https://www.higheredimmigrationportal.org/> (citing *REAL ID and Deferred Action for Childhood Arrivals (DACA)*, Nat'l Immigr. L. Ctr. (Aug. 2021), <https://www.nilc.org/issues/daca/real-id-and-daca/>).
- ²⁷⁵ DEP'T OF PUB. SAFETY, *Verifying Lawful Presence* (July 2013), <https://www.dps.texas.gov/DriverLicense/documents/verifyingLawfulPresence.pdf>.
- ²⁷⁶ For a complete list of the range of immigration status an immigrant may have to be eligible for a federally recognized driver's license or ID issued in Texas and the types of documents an eligible immigrant may have see, *Verifying Lawful Presence*, TX DEP'T OF PUB. SAFETY, <https://www.dps.texas.gov/sites/default/files/documents/driverlicense/documents/verifyinglawfulpresence.pdf> (last visited July 7, 2022).
- ²⁷⁷ *U.S. Citizenship or Lawful Presence Requirement*, TX DEP'T OF PUB. SAFETY, <https://www.dps.texas.gov/DriverLicense/LawfulStatusDLID.htm> (last visited July 26, 2018). *Texas Driver License (DL) and Identification Card (ID) Document Requirements, What it takes to Apply for a DL or ID Card*, TX DEP'T OF PUB. SAFETY, <https://www.dps.texas.gov/internetforms/Forms/DL-57.pdf> (last visited July 7, 2022).
- ²⁷⁸ *Identification Requirements*, TX DEP'T OF PUB. SAFETY, <https://www.dps.texas.gov/DriverLicense/identificationrequirements.htm> (last visited July 26, 2018).
- ²⁷⁹ 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.
- ²⁸⁰ 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.
- ²⁸¹ 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).
- ²⁸² 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/>.

²⁸³ *Emergency & Homeless Services*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/texans.htm> (last visited July 26, 2018).

²⁸⁴ 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).

²⁸⁵ 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).

²⁸⁶ 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).

²⁸⁷ 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).

²⁸⁸ 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).

²⁸⁹ See 42 U.S.C. § 1485.

²⁹⁰ *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).

²⁹¹ 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(c).

²⁹² 42 U.S.C. § 1436a(a)(1).

²⁹³ 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.").

²⁹⁴ 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/.

²⁹⁵ 24 C.F.R. § 5.506(a)(1).

²⁹⁶ 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.").

²⁹⁷ 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/.

²⁹⁸ See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. 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/>.

²⁹⁹ 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/. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

³⁰⁰ See 42 U.S.C. § 1485.

³⁰¹ 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/.

³⁰² *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).

³⁰³ 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).

³⁰⁴ See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing).

³⁰⁵ See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

³⁰⁶ 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)).

³⁰⁷ 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/. See also 22 U.S.C. 7105(b); OFF. 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>.

³⁰⁸ See OFF. 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/.

³⁰⁹ See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

³¹⁰ 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/.

³¹¹ 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).

³¹² See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

³¹³ 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/.

³¹⁴ 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).

³¹⁵ See 8 U.S.C. § 1641(b)(1).

³¹⁶ 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/.

- ³¹⁷ 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).
- ³¹⁸ See 8 U.S.C. § 1641(b)(1) (2012).
- ³¹⁹ See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units that use these Illinois based funds also receive 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. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.
- ³²⁰ 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/.
- ³²¹ 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).
- ³²² See 8 U.S.C. § 1641(b)(1).
- ³²³ 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/.
- ³²⁴ 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).
- ³²⁵ See 8 U.S.C. § 1641(b)(1) (2012).
- ³²⁶ See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.
- ³²⁷ 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/.
- ³²⁸ 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).
- ³²⁹ See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.
- ³³⁰ 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/.
- ³³¹ 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).
- ³³² See *Competitive (9%) Housing Tax Credits*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <https://www.tdhca.state.tx.us/multifamily/housing-tax-credits-9pct/> (last visited July 26, 2018). The TDHCA Housing Tax Credit (HTC) Program Housing Tax Credit Program allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federal funded tax credits or other federal funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.
- ³³³ 26 U.S.C. § 24; U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 3 (2017).
- ³³⁴ 26 U.S.C. § 24(f); U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 2 (2017).
- ³³⁵ See <https://www.irs.gov/individuals/individual-taxpayer-identification-number> (IRS ITIN Information Page).
- ³³⁶ 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).
- ³³⁷ U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 3 (2017).
- ³³⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 2 (2017).
- ³³⁹ 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>.
- ³⁴⁰ 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).
- ³⁴¹ 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).
- ³⁴² 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).
- ³⁴³ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).
- ³⁴⁴ 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).

³⁴⁵ 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).

³⁴⁶ 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).

³⁴⁷ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³⁴⁸ 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).

³⁴⁹ 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).

³⁵⁰ 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).

³⁵¹ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³⁵² 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).

³⁵³ 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).

³⁵⁴ 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).

³⁵⁵ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³⁵⁶ 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).

³⁵⁷ 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).

³⁵⁸ 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).

³⁵⁹ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³⁶⁰ 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).

³⁶¹ 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).

³⁶² 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).

³⁶³ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

³⁶⁴ *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).

³⁶⁵ 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).

³⁶⁶ 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)).

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

³⁶⁸ 45 C.F.R. § 1626.5(a).

³⁶⁹ 45 C.F.R. § 1626.5(b).

³⁷⁰ 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-accesspubliclyfundedls/>.

³⁷¹ 45 C.F.R. § 1626.5(a)

³⁷² *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).

³⁷³ OFF. 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.").

³⁷⁴ 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/>.

³⁷⁵ Violence Against Women and Dep't. 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/>.

³⁷⁶ See, e.g., OFF. 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).

³⁷⁷ See 45 C.F.R. § 1626.5(c).

³⁷⁸ 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. Dep't. of Health and Hum. Servs., (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).

³⁷⁹ See 45 C.F.R. § 1626.4(a)(2).

³⁸⁰ OFF. 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.").

³⁸¹ 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/>.

³⁸² Violence Against Women and Dep't. 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/>.

³⁸³ See, e.g., OFF. 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).

³⁸⁴ 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).

³⁸⁵ 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).

³⁸⁶ OFF. 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.").

³⁸⁷ 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-1-106-386-10-28-00/>.

³⁸⁸ Violence Against Women and Dep't. 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/>.

³⁸⁹ See, e.g., OFF. 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).

³⁹⁰ See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S 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).

³⁹¹ 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.).

³⁹² The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

³⁹³ 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/>.

³⁹⁴ OFF. 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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³⁹⁶ Violence Against Women and Dep't. 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/>.

³⁹⁷ See, e.g. Off. 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).

³⁹⁸ 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 forcible 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).

³⁹⁹ 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.).

⁴⁰⁰ 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/>.

⁴⁰¹ *See* 45 C.F.R. § 1626.5(a).

⁴⁰² *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 ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT’L IMMIGRANT WOMEN’S ADVOC. PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

⁴⁰³ OFF. 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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⁴⁰⁵ Violence Against Women and Dep’t. 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/>.

⁴⁰⁶ *See, e.g.*, OFF. 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).

⁴⁰⁷ 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).

⁴⁰⁸ 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).

⁴⁰⁹ “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/>.

⁴¹⁰ *See* 45 C.F.R. § 1626.5(a).

⁴¹¹ 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-accesspubliclyfunded/>.

⁴¹² OFF. 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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⁴¹⁵ See, e.g., Off. 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).

⁴¹⁶ 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).

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⁴¹⁹ OFF. 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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⁴²¹ Violence Against Women and Dep't. 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/>.

⁴²² See, e.g., OFF. 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).

⁴²³ 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).

⁴²⁴ 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.).

⁴²⁵ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

⁴²⁶ 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/>.

⁴²⁷ OFF. 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.”).

⁴²⁸ 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/>.

⁴²⁹ Violence Against Women and Dep’t. 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/>.

⁴³⁰ See, e.g., OFF. 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).

⁴³¹ 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.

⁴³² 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. See 8 U.S.C. § 1641(c).

⁴³³ *Comprehensive Energy Assistance Program (CEAP)*, TX DEP’T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm> (last visited July 26, 2018).

⁴³⁴ *Weatherization Assistance Program (WAP)*, TX DEP’T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/wap/index.htm> (last visited July 26, 2018).

⁴³⁵ 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.

⁴³⁶ 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. See 8 U.S.C. §§ 1641(b)(2), (b)(3), (c)(4).

⁴³⁷ *Comprehensive Energy Assistance Program (CEAP)*, TX DEP’T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm> (last visited July 26, 2018).

⁴³⁸ *Weatherization Assistance Program (WAP)*, TX DEP’T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/wap/index.htm> (last visited July 26, 2018).

⁴³⁹ 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.

⁴⁴⁰ 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; OFF. 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 I (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)).

⁴⁴¹ *Comprehensive Energy Assistance Program (CEAP)*, TX DEP’T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm> (last visited July 26, 2018).

- ⁴⁴² *Weatherization Assistance Program (WAP)*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/wap/index.htm> (last visited July 26, 2018).
- ⁴⁴³ 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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- ⁴⁴⁷ *Comprehensive Energy Assistance Program (CEAP)*, TX DEP'T OF HOUS. & CMTY. AFFAIRS, <http://www.tdhca.state.tx.us/community-affairs/ceap/index.htm> (last visited July 26, 2018).
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- ⁴⁵³ 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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- ⁴⁵⁷ 42 U.S.C. § 5121; See American Red Cross and the Nat'l Council of La Raza, and NAT'L IMMIGRATION LAW CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.
- ⁴⁵⁸ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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/>.
- ⁴⁵⁹ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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/>;
- U.S. DEP'T AGRIC. FOOD & NUTRITION SERV., *DISASTER SNAP GUIDANCE: POLICY GUIDANCE, LESSONS LEARNED, AND TOOLKITS TO OPERATE A SUCCESSFUL D-SNAP* (2014), https://fnsp-prod.azureedge.net/sites/default/files/D-SNAP_handbook_0.pdf.
- ⁴⁶⁰ See American Red Cross and the Nat'l Council of La Raza, and NAT'L IMMIGRATION LAW CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.
- ⁴⁶¹ 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).
- ⁴⁶² NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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).
- ⁴⁶³ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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).
- ⁴⁶⁴ *Texas Rebuilds*, TX REBUILDS, <http://texasrebuilds.com/index.html> (last visited July 26, 2018).
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- ⁴⁶⁶ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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).
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- ⁴⁶⁸ *Texas Rebuilds*, TX REBUILDS, <http://texasrebuilds.com/index.html> (last visited July 26, 2018).

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- ⁴⁷⁰ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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).
- ⁴⁷¹ *Texas Rebuilds*, TX REBUILDS, <http://texasrebuilds.com/index.html> (last visited July 26, 2018).
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- ⁴⁷³ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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).
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- ⁴⁷⁶ NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Survivors 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).
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- ⁴⁸⁰ *Texas Rebuilds*, TX REBUILDS, <http://texasrebuilds.com/index.html> (last visited July 26, 2018).
- ⁴⁸¹ 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).
- ⁴⁸² 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.
- ⁴⁸³ 8 U.S.C. § 1641(c)(1)(B)(i), or (ii); or 8 U.S.C. § 1641(c)(2), or (3).
- ⁴⁸⁴ 8 U.S.C. § 1641(b)(3).
- ⁴⁸⁵ 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).
- ⁴⁸⁶ 8 U.S.C. § 1641(c)(4).
- ⁴⁸⁷ 8 U.S.C. § 1641(c)(4).
- ⁴⁸⁸ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> ("The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.").
- ⁴⁸⁹ 8 U.S.C. § 1641(b)(1).
- ⁴⁹⁰ 8 U.S.C. § 1641(b)(1).
- ⁴⁹¹ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> ("The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.").
- ⁴⁹² See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> ("Under the current state and federal systems, undocumented workers are not eligible for unemployment benefits.").