Access to State-Fundeda Public Benefits in Texas for Survivors,

Based on Immigration Statusb

By: Daniel Enos and Leslye E. Orloffc

April 16, 2019

<table>
<thead>
<tr>
<th>VAWA Self-Petitionerd</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visae</th>
<th>Deferred Action for Childhood Arrivals (DACA)f</th>
<th>Special Immigrant Juvenile Status (SIJS)g</th>
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<td>Qualified Immigranta</td>
<td>HHS Certification</td>
<td>Lawfully Present</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>No federal eligibility,i</td>
<td>No federal eligibility,i</td>
<td>Not eligible. 34</td>
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<td>TANF</td>
<td>Eligible with prima facie determination, subject to five-year</td>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry.11</td>
<td>Human trafficking victims eligible: with HHS Certification (based)</td>
<td>Not eligible. 24</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>Eligible after receiving lawful permanent residency, subject</td>
<td>Not eligible. 34</td>
</tr>
</tbody>
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*a Federally funded public benefits are in non-italicized typeface and state-funded public benefits are italicized.

*b The chart shows eligibility based on program admission status. Applicants must also meet 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 applicants applying for immigration relief and lawful permanent residency through the following immigration benefits programs: VAWA self-petitioning (as defined in footnote “d”), VAWA cancellation of removal, VAWA suspension of deportation, 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.

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


* See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: lawful permanent residents (LPRs); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), of parole into the U.S. for at least one year; 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 or 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. Department 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).

* State benefits agencies are only allowed to ask for immigration status and social security number information for the family members who is the applicant for the benefit. See Nat’l Immigration Law Ctr, Privacy Protections in Selected Federal Benefits Programs (Feb. 21, 2018) see also Anna Pohl, Hema Sarangapani, Amanda Baran, Cecilia Olavarria, Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits, Nat’l Immigration Women’s Advocacy Project (Jul. 10, 2013), http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Man-Ch4-3-Brief.pdf; 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 (Schi), Temporary Assistance For Needy Families (Tanf), and Food Stamp Benefits, U.S. Dep’t Health & Hum. Serv. (Mar. 24, 2006), http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-HHSQAACitizenshipPolicyGuidance-03.24.06.pdf.

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National Immigrant Women’s Advocacy Project (NIWAP, pronounced new-app)
American University, Washington College of Law
4300 Nebraska Avenue NW · Washington, D.C. 20016
(o) 202.274.4457 · info@niwap.org · http://niwaplibrary.wcl.american.edu/
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<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visa/Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
<th>U Visa (Upon wait list approval)</th>
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<tr>
<td>bar for those who arrived on or after August 22, 1996 (After the first 12 months may be subject to deeming).</td>
<td>T visa holders or applicants with prima facie (bona fide) determination. Eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.</td>
<td>on continued presence or a bona fide determination on a T visa application or with HHS eligibility determination (under 18).</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.</td>
<td>to five-year bar for those who arrived on or after August 22, 1996 (may be subject to deeming).</td>
<td>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.</td>
<td>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.</td>
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<td>TANF</td>
<td>In Texas, refugees, asylees, T visa holders and T visa applicants with bona fide determinations are eligible if entering prior to August 22, 1996.</td>
<td>In Texas, refugees and asylees who entered on or after Aug. 22, 1996, are only eligible during the five years after obtaining status.</td>
<td>In Texas, T visa applicants with bona fide determinations are eligible if entering prior to August 22, 1996.</td>
<td>In Texas, T visa and continued presence holders who entered</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td>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.</td>
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<td><strong>Child Care</strong></td>
<td>Children with prima facie determination are qualified immigrants eligible</td>
<td>Human trafficking victims with an HHS Certification (based on continued presence or a bona</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when:</td>
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<td>Child Care</td>
<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa2/ Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)4</td>
<td>Special Immigrant Juvenile Status (SIJS)5</td>
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<td>for Child Care Development Fund (CCDF)-funded child care.35</td>
<td>TANF-funded child care.38</td>
<td>T visa: Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.39</td>
<td>Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care.40 They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.41</td>
<td>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.47</td>
<td>(1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.47</td>
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<td>In Texas, VAWA self-petitioners with prima facie determination are eligible for TANF-funded child care when they meet the TANF eligibility requirements described in the TANF section above.35</td>
<td>In Texas, T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care.40 They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.41</td>
<td>In Texas, T visa applicants with bona fide determinations and trafficking survivors with continued presence are eligible for TANF-funded child care when they meet the TANF eligibility requirements described in the TANF section above.45</td>
<td>In Texas, SIJS recipients with lawful permanent residency, eligible as for CCDF-funded child care.48 Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.49</td>
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<td>Eligible with prima facie determination, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled.(^5)</td>
<td><strong>Refugee/Asylee:</strong> Eligible with no additional conditions. (^6)</td>
<td><strong>T visa:</strong> 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). (^6)</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).(^6)</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination. (^6)</td>
<td>These human trafficking victims are eligible to the same extent as refugees. (^6)</td>
<td>Not eligible.</td>
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<td><strong>SNAP (Food Stamps)</strong></td>
<td>(^5)</td>
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<tr>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, 40 qualifying work quarters, or disabled.</td>
<td>Not eligible.</td>
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<td>In Texas, after five years of lawful permanent residency, battered immigrants (including VAWA self-petitioners) are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
</tr>
</tbody>
</table>

\(^1\) Refugees, Asylees, and T visa holders in the United States

\(^2\) T Visa holders

\(^3\) Continued Presence

\(^4\) Deferred Action for Childhood Arrivals (DACA)

\(^5\) Special Immigrant Juvenile Status (SIJS)

\(^6\) U Visa holders

\(^58\) Eligible with prima facie determination, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled.

\(^59\) In Texas, after five years of lawful permanent residency, battered immigrants (including VAWA self-petitioners) are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.

\(^60\) These human trafficking victims are eligible to the same extent as refugees.

\(^61\) Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, 40 qualifying work quarters, or disabled.

\(^62\) In Texas, after five years of lawful permanent residency, battered immigrants (including SIJS holders) are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.

\(^63\) Also eligible under the Trafficking Victims Protection Act to the same extent as refugees.

\(^64\) These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.

\(^65\) Not eligible.

\(^66\) In Texas, after five years of lawful permanent residency, battered immigrants (including U visa holders) are eligible for SNAP without any requirement to accrue 40 qualifying work quarters.

\(^67\) Not eligible.

\(^68\) Not eligible.
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<td></td>
<td></td>
<td>additional conditions.66</td>
<td>qualifying work quarters.81</td>
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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. 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. 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). In Texas, applicants should apply at their local WIC office location. 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.

Purchase Health Insurance on Exchanges

Eligible with prima facie determination.87

Refugee: Eligible.88

Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.89

T visa: Eligible with prima facie (bona fide) determination on T visa application.90

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).91

Family members with T visa status eligible without HHS certification or eligibility determination.92

These human trafficking victims Not eligible.94 Eligible upon filing SIJS application.95 Eligible upon U visa wait list approval.96 Not eligible.97 Not eligible.98

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<th>Child Health Insurance Program (CHIP)</th>
<th>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</th>
<th>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</th>
<th>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</th>
<th>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</th>
<th>U Visa Applicants</th>
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<tr>
<td>Eligible with prima facie determination if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.</td>
<td>Eligible for emergency Medicaid regardless of immigration status.</td>
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<td>In Texas, lawfully residing children (including VAWA self-petitioners with prima facie determinations) are eligible for medical assistance.</td>
<td>T visa holders and T visa applicants with prima facie (bona fide) determinations: those who arrived prior to August 22, 1996, are immediately eligible as qualified immigrants under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees, with no seven year limit. Those who arrived on or after August 22, 1996, are eligible as qualified immigrants, but are subject to a five-year bar.</td>
<td>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.</td>
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<td>In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.</td>
<td>In Texas, lawfully residing children (including T Visa applicants with prima facie determinations and continued</td>
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<td>VRWA Self-Petitioner</td>
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<td>T Visa(^2/)continued Presence(^3)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^4)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^5)</td>
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<td>Perinatal Program, regardless of immigration status.(^{103})</td>
<td>In Texas, lawfully residing children (including refugees, asylees, and T visa applicant children with bona fide determinations) are eligible for medical assistance.(^{112})</td>
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<td>In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.(^{113})</td>
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<td>Full-Scope Medicaid(^{127})</td>
<td>Eligible with prima facie determination if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.(^{128})</td>
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<td>Human trafficking victims are eligible with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).(^{136})</td>
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<td>Eligible for emergency Medicaid regardless of immigration status.(^{148})</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{155})</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^{157})</td>
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<td>In Texas, if arrived on or after Aug. 22, 1996, VAWA self-petitioners are eligible for medical assistance</td>
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\(^{103}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{107}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{112}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{113}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{128}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{129}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{131}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{140}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{142}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{148}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{155}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.

\(^{157}\) In Texas, pregnant girls are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status.
<table>
<thead>
<tr>
<th>VAWA Self-Petitioner (d)</th>
<th>Refugee, Asylee, T Visa (^1)</th>
<th>T Visa(^2)/Continued Presence (^3)</th>
<th>Deferred Action for Childhood Arrivals (DACA) (^4)</th>
<th>Special Immigrant Juvenile Status (SIJS) (^5)</th>
<th>U Visa (Upon wait list approval) (^6)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tbody>
<tr>
<td>after five years of attaining status without any requirement to accrue 40 qualifying work quarters. (^{129})</td>
<td>immigrants under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees, with no seven year limit. (^{132}) Those who arrived on or after August 22, 1996, are eligible as qualified immigrants, but are subject to a five-year bar. (^{133}) But in Texas, eligible up to 4 years after obtaining status or until the law enforcement extension expires. (^{134}) In Texas, pregnant women are eligible for prenatal care through the CHIP Perinatal Program, regardless of immigration status. (^{130})</td>
<td>HHS Certification or eligibility determination. (^{137}) These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar. (^{138}) In Texas, eligible up to 4 years after obtaining status or until the law enforcement extension expires. (^{139})</td>
<td>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 active duty military personnel. (^{144}) Exception: After five years of attaining lawful permanent residency, battered immigrants (^{148}) (which can include SIJS recipients) are eligible for medical assistance without any requirement to accrue 40 qualifying work quarters. (^{146})</td>
<td>1996, eligible upon receiving lawful permanent residency, subject to five-year bar. (^{150})() 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, unmarried surviving spouse, or minor unmarried child of an honorably discharged veteran or active duty military personnel. (^{151}) Exception: After five years of attaining lawful permanent residency, battered immigrants (^{152}) (which can include U visa applicants)</td>
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<td>Full-Scope Medicaid</td>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>U Visa Applicants</td>
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<tr>
<td><strong>Education- Federal Benefits:</strong> Federal Student Aid, Grants and Loans&lt;sup&gt;159&lt;/sup&gt;</td>
<td>With prima facie determination, eligible&lt;sup&gt;160&lt;/sup&gt;</td>
<td>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid&lt;sup&gt;161&lt;/sup&gt;</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid&lt;sup&gt;162&lt;/sup&gt;</td>
<td>Not eligible for federal student aid&lt;sup&gt;163&lt;/sup&gt;</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency&lt;sup&gt;164&lt;/sup&gt;</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency&lt;sup&gt;165&lt;/sup&gt;</td>
<td>Not eligible for federal student aid</td>
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<tr>
<td><strong>Education-State Law</strong></td>
<td>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&lt;sup&gt;166&lt;/sup&gt;</td>
<td>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; non-LPR students must provide an affidavit promising to apply to become a lawful permanent resident at the earliest opportunity&lt;sup&gt;167&lt;/sup&gt;</td>
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<td>Supplemental Security Income (SSI)</td>
<td>VAWA Self-Petitioner</td>
<td>Refugee, Asylee, T Visa</td>
<td>T Visa(^2)/Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^4)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^5)</td>
<td>U Visa (Upon wait list approval)(^6)</td>
<td>U Visa Applicants</td>
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<td>Eligible with prima facie determination if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.(^{168}) May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^{170})</td>
<td>Refugees/Asylees: Eligible during first seven years after the status was granted.(^{171}) Trafficking victims: Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.(^{172}) T visa(^{173}): 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.(^{174}) May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.(^{175}) This eligibility</td>
<td>Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees.(^{177})</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work(^{178}) subject to five-year bar.(^{179})</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
<td>Not eligible.</td>
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<tr>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>U Visa Applicants</td>
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<td><strong>SSI</strong></td>
<td>allows trafficking victims who are disabled to continue to receive SSI after the 7-years&lt;sup&gt;176&lt;/sup&gt;</td>
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**Driver’s License**<sup>185</sup> Under the REAL ID Act, evidence of “lawful status” is required for a driver’s license to be accepted by a federal agency for official purposes.<sup>186</sup> The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.<sup>187</sup> All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).<sup>188</sup> DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.<sup>189</sup> In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”<sup>190</sup>

*In Texas, immigrants who are lawful permanent residents, refugees or asylees are eligible for a driver’s license.*<sup>191</sup> The Department of Public Safety accepts the following documents:

- **Proof of lawful status**<sup>192</sup>
  - Permanent Resident Card (Form I-551); 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 “asylee 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;

- **Proof of Texas Residency**

- **Identity**<sup>193</sup>
  - 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)<sup>194</sup>; U.S. Travel Document (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
    - 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.<sup>195</sup>

- **Proof of Social Security number**

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<td>Not eligible.</td>
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Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status and may not withhold those services based on immigration status. Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or 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.

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.

### Housing and Other Services Necessary to Protect Life or Safety

<table>
<thead>
<tr>
<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visa/Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)</th>
<th>Special Immigrant Juvenile Status (SIJS)</th>
<th>U Visa (Upon wait list approval)</th>
<th>U Visa Applicants</th>
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### Public and Assisted Housing

Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility. USDA rental housing follows HUD procedures for processing VAWA self-petitions, so should be eligible for all USDA rental housing unless and until a final determination of ineligibility. Regardless of immigration status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. Upon receiving lawful permanent resident status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.

Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. Upon receiving lawful permanent resident status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.

Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. Upon receiving lawful permanent resident status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.

Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. Upon receiving lawful permanent resident status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer. Upon receiving lawful permanent resident status, eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance), 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.
<table>
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<tr>
<th>Public and Assisted Housing</th>
<th>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</th>
<th>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</th>
<th>T Visa&lt;sup&gt;2&lt;/sup&gt;/Continued Presence&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</th>
<th>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tbody>
<tr>
<td>202 and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.</td>
<td>203 Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.</td>
<td>213 May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.</td>
<td>204 May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.</td>
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1. Upon receiving lawful permanent residency, eligible for USDA Section 514/516 Farm Labor Housing.
2. May be eligible to live in the TDHCA Housing Tax Credit (HTC) Program property.
### Income Tax Credits

<table>
<thead>
<tr>
<th>VAWA Self-Petitioner</th>
<th>Refugee, Asylee, T Visa</th>
<th>T Visa²/Continued Presence</th>
<th>Deferred Action for Childhood Arrivals (DACA)⁴</th>
<th>Special Immigrant Juvenile Status (SIJS)⁵</th>
<th>U Visa (Upon wait list approval)⁶</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td><strong>Child Tax Credit:</strong> 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.²⁴² A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).²⁴³ Immigrants eligible to receive social security numbers include 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.²⁴⁴</td>
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<tr>
<td><strong>Child and Dependent Care Tax Credit:</strong> Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—</td>
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<td>• A dependent child under the age of 13,</td>
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<td>• A spouse who is unable to physically or mentally care for themselves, or</td>
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<td>• An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.²⁴⁵</td>
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<tr>
<td>The child or dependent must have a social security number or ITIN.²⁴⁶ Immigrants eligible to receive social security numbers include 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.²⁴⁷</td>
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### Earned Income Tax Credit (EITC)

| VAWA self-petitioners who: have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year,²⁴⁸ have a social security number valid for work,²⁴⁹ and have earned income during the tax year²⁵⁰ are eligible for the earned income tax credit (EITC).²⁵¹ |
| Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year,²⁵² have a social security number valid for work,²⁵³ and have earned income during the tax year²⁵⁵ are eligible for the earned income tax credit (EITC).²⁵⁵ |
| Recipients of T visa bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year,²⁵⁶ have a social security number valid for work,²⁵⁷ and have earned income during the tax year²⁵⁸ are eligible for the earned income tax credit (EITC).²⁵⁹ |
| DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year,²⁶⁰ have a social security number valid for work,²⁶¹ and have earned income during the tax year²⁶² are eligible for the earned income tax credit (EITC).²⁶³ |
| SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year,²⁶⁴ have a social security number valid for work,²⁶⁵ and have earned income during the tax year²⁶⁶ are eligible for the earned income tax credit (EITC).²⁶⁷ |
| Wait-list approved U visa applicants with work authorization and U visa holders granted lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year,²⁶⁸ have a social security number valid for work,²⁶⁹ and have earned income during the tax year²⁷⁰ are eligible for the earned income tax credit (EITC).²⁷¹ |

Not eligible. Not eligible.
## Legal Services

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<tr>
<th>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</th>
<th>Refuge, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</th>
<th>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<tr>
<td><strong>272</strong> An immigrant who (or whose child) is battered or subjected to extreme cruelty&lt;sup&gt;273&lt;/sup&gt; inside or outside of the United States&lt;sup&gt;274&lt;/sup&gt; is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.&lt;sup&gt;275&lt;/sup&gt; Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,&lt;sup&gt;276&lt;/sup&gt; or spouses, parents, and unmarried children under age 21 of U.S. citizens&lt;sup&gt;277&lt;/sup&gt; become eligible for full representation on any matter upon filing an application for lawful permanent residency.&lt;sup&gt;278&lt;/sup&gt;</td>
<td><strong>273</strong> Refugee/Asylee: Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles.&lt;sup&gt;283&lt;/sup&gt; <strong>274</strong> T Visa: An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa holder,&lt;sup&gt;284&lt;/sup&gt; is eligible for legal assistance on any matter the LSC-funded agency handles.&lt;sup&gt;285&lt;/sup&gt; Eligible for Office of Violence Against Women funded Legal Assistance&lt;sup&gt;292&lt;/sup&gt; for victims of domestic violence, sexual assault, stalking&lt;sup&gt;293&lt;/sup&gt; or dating violence.&lt;sup&gt;294&lt;/sup&gt; Must be at least 11 years old.&lt;sup&gt;295&lt;/sup&gt;</td>
<td><strong>275</strong> A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty,&lt;sup&gt;296&lt;/sup&gt; or is a victim of sexual assault or trafficking in the U.S.,&lt;sup&gt;297&lt;/sup&gt; is eligible for legal assistance on any matter the LSC-funded agency handles.&lt;sup&gt;298&lt;/sup&gt; Eligible for Office of Violence Against Women funded Legal Assistance&lt;sup&gt;299&lt;/sup&gt; for victims of domestic violence, sexual assault, stalking&lt;sup&gt;300&lt;/sup&gt; or dating violence.&lt;sup&gt;301&lt;/sup&gt; Must be at least 11 years old.&lt;sup&gt;302&lt;/sup&gt;</td>
<td><strong>276</strong> Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty,&lt;sup&gt;303&lt;/sup&gt; or sexual assault or trafficking in the U.S.,&lt;sup&gt;303&lt;/sup&gt; on matters related to the abuse.&lt;sup&gt;304&lt;/sup&gt;</td>
<td><strong>277</strong> Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,&lt;sup&gt;305&lt;/sup&gt; or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.&lt;sup&gt;306&lt;/sup&gt;</td>
<td><strong>278</strong> Eligible for Office of Violence Against Women funded Legal Assistance&lt;sup&gt;307&lt;/sup&gt; for victims of domestic violence, sexual assault, stalking&lt;sup&gt;308&lt;/sup&gt; or dating violence.&lt;sup&gt;309&lt;/sup&gt; Must be at least 11 years old.&lt;sup&gt;310&lt;/sup&gt;</td>
<td><strong>279</strong> An immigrant who has (or whose child has) been granted, applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status&lt;sup&gt;311&lt;/sup&gt; is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies&lt;sup&gt;314&lt;/sup&gt; on matters related to the crime victimization.&lt;sup&gt;315&lt;/sup&gt;</td>
</tr>
<tr>
<td>Legal Services</td>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
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<tr>
<td>Eligible for Office of Violence Against Women funded Legal Assistance as a victim of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.</td>
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</tr>
<tr>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>T Visa&lt;sup&gt;2/2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</td>
<td>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>U Visa Applicants</td>
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<tr>
<td>and the Texas Weatherization Assistance Program Administers WAP&lt;sup&gt;340&lt;/sup&gt;</td>
<td>Program (CEAP) administers the state LIHEAP&lt;sup&gt;343&lt;/sup&gt;, and the Texas Weatherization Assistance Program Administers WAP&lt;sup&gt;344&lt;/sup&gt;</td>
<td>In Texas, the Comprehensive Energy Assistance Program (CEAP) administers the state LIHEAP&lt;sup&gt;347&lt;/sup&gt;, and the Texas Weatherization Assistance Program Administers WAP&lt;sup&gt;348&lt;/sup&gt;</td>
<td>and the Texas Weatherization Assistance Program Administers WAP&lt;sup&gt;354&lt;/sup&gt;</td>
<td>and the Texas Weatherization Assistance Program Administers WAP&lt;sup&gt;358&lt;/sup&gt;</td>
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</table>

**Federal Emergency Management Agency (FEMA) Assistance**<sup>363</sup>

Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.<sup>364</sup>

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.<sup>365</sup>

**Federal Emergency Management Agency (FEMA)-Restricted Programs**<sup>366</sup>

Upon receipt of prima facie determination:

- Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA).<sup>367</sup>

- Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP),<sup>370</sup> FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA):<sup>370</sup>

- Eligible for Emergency SNAP open to Refugees/Asylees<sup>371</sup> (no five-year bar), and T visa applicants with prima facie (bona fide) determination.<sup>370</sup> FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA):<sup>370</sup>

Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18) or family members with T visa status (no need for HHS certification or eligibility determination).<sup>374</sup> Emergency SNAP open to Refugees/Asylees (no five-year bar), and T visa applicants with prima facie (bona fide) determination.<sup>370</sup> These human trafficking victims are considered Not eligible.<sup>386</sup>

Upon receiving lawful permanent residency:

- Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).<sup>377</sup> Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work

- Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work

- Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work

- Not eligible.
<table>
<thead>
<tr>
<th>Program</th>
<th>Eligibility</th>
<th>Benefits</th>
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<tbody>
<tr>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
<td>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&lt;sup&gt;.368&lt;/sup&gt;</td>
<td>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds&lt;sup&gt;.369&lt;/sup&gt;</td>
</tr>
<tr>
<td>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</td>
<td>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&lt;sup&gt;.372&lt;/sup&gt;</td>
<td>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds&lt;sup&gt;.373&lt;/sup&gt;</td>
</tr>
<tr>
<td>T Visa&lt;sup&gt;2/3&lt;/sup&gt; Continued Presence&lt;br&gt;Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</td>
<td>refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP&lt;sup&gt;.375&lt;/sup&gt;</td>
<td>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&lt;sup&gt;.376&lt;/sup&gt;</td>
</tr>
<tr>
<td>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</td>
<td>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&lt;sup&gt;.380&lt;/sup&gt;</td>
<td>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds&lt;sup&gt;.381&lt;/sup&gt;</td>
</tr>
<tr>
<td>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</td>
<td>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&lt;sup&gt;.384&lt;/sup&gt;</td>
<td>Those impacted by Hurricane Harvey may be eligible for housing assistance thought the FEMA-supported Texas Rebuilds&lt;sup&gt;.385&lt;/sup&gt;</td>
</tr>
<tr>
<td>U Visa Applicants</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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1. See 8 U.S.C. § 1611(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a “prima facie” (bona fide) case for eligibility; Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).
5. 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.).
6. See DEP’T OF HOMELAND SEC., U AND T VISA LAW ENFORCEMENT RESOURCE GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES, AND OTHER GOVERNMENT AGENCIES 3 (2015), http://niwaplibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/ (U visas benefit victims of certain crimes who have suffered severe physical or emotional abuse. If certain conditions are met, a U visa holder may apply for adjustment to lawful permanent resident status.; See CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF
11 8 U.S.C. §§ 1612(b)(2)(A)(i); 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 Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See Office of Family Assistance, U.S. Dep’t of Health & Hum. Serv., TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen) (April 17, 2003), https://www.acf.hhs.gov/oca/resource/policy/pi-oca/2003/pi2003-2htm-0.
13 Trafficking victims are immediately eligible to access TANF based upon eligibility under the Trafficking Victim’s Protection Act, which limits benefits to 7 years following the required HHS certification or HHS determination letter. See 22 U.S.C. § 7105(b)(1). In most states, once the 5 years of eligibility under the Trafficking Act has passed, they can continue their eligibility for TANF as a qualified immigrant, 8 U.S.C. § 1641(c), if they are a T visa holder or a T visa applicant with a bona fide determination (which will include an HHS certification or an HHS determination letter). 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/.
Applicants under age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See 8 U.S.C. § 1631; DEP’T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, TANF-ACF-P1-2003-03 (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


27 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-P1-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0


31 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-P1-2003-03 (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


NIWAP American University, Washington College of Law 21


who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.”).


Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/. See 8 U.S.C. § 1641(b)(3); 45 C.F.R § 152.2(5) (2017) (“A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.”).


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., 4-310 General Policy in TX WORKS HANDBOOK, https://tthsc.texas.gov/laws-regulations/handbooks/texas-work-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 Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

1 Tex. Admin. Code § 370.49; CHIP Perinatal, TX HEALTH & HUM. SERVS., D-410 General Policy in TX WORKS HANDBOOK, https://tthsc.texas.gov/laws-regulations/handbooks/texas-work-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://tthsc.texas.gov/services/health/medicaid-chip/provider-information/chip-perinatal-coverage/texas-medicaid-chip-perinatal-faq (last visited July 24, 2018).
Table 1: Overview of Immigrant Eligibility for Federal Programs in Texas

<table>
<thead>
<tr>
<th>Program</th>
<th>Eligibility Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children's Medicaid</td>
<td>Applicants under age 18 with HHS eligibility determination; family members with T visa status are eligible for public benefits to the same extent as refugees.</td>
</tr>
<tr>
<td>CHIP Perinatal</td>
<td>Applicants under age 18 require an HHS eligibility determination (not a certification).</td>
</tr>
<tr>
<td>Texas Medicaid and CHIP</td>
<td>Qualified immigrants with a household income at or below 185% of the federal poverty level may be eligible.</td>
</tr>
<tr>
<td>Human trafficking victims</td>
<td>Victims with HHS certification or an HHS determination letter are eligible for public benefits as qualified immigrants.</td>
</tr>
<tr>
<td>Human trafficking victims</td>
<td>Victims with HHS certification for public benefits as qualified immigrants.</td>
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<tr>
<td>American University, Washington College of Law</td>
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</tr>
</tbody>
</table>


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

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

22 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 have 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.
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.


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


126 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.

127 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.


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

Bonafide T visa applicants with HHS determination letter are eligible for refugees 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 lawful permanent resident status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See 8 U.S.C. § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table: 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.

TANF and Medical Programs Alien Status Eligibility Charts


veteran’s family. See § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. NAT’L IMMIGRATION LAW CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_overw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm.


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


192 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://niwlibrary.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).


VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.

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See 7 C.F.R. § 3560.158(d); USDA MFH Asset Management Handbook HB 2-3600, § 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).


Housing Tax Credits. TX DEPT’ OF HOUS. & CMTY. AFFAIRS, https://www.tdха.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/.


193 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).

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could meet the eligibility requirements of the federal subsidies involved. 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.


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


See Competitive (9%) Housing Tax Credits, TX DEPT’ 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. See 22 U.S.C. § 1485 (2011); NHP, 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/.

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See Competitive (9%) Housing Tax Credits, TX DEPT’ 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.
Cases

§§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations.

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

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.


and

8 C.F.R. § 204.2(c)(1)(vi) (2012).

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

45 C.F.R. 1626.2(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, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, Nat’l Legal Aid & Defender Ass’n CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, And Legal Services Access for All: Implementing the Violence Against Women Act of 2005’s New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/.

45 C.F.R. § 1626.5(a).

45 C.F.R. § 1626.5(b).


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See 45 C.F.R. § 1626.3(a).

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

See 45 C.F.R. § 1626.4(a)(2).

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


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

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

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


See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(a)-(15)(U)(ii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; thinks all, beef,
The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005, Nat’l Legal Aid & Defender Ass’n CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (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 Immigration Women’s Advocacy Project (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, Nat’l Immigration Women’s Advocacy Project (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/.

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


45 C.F.R. §§ 1626.4(a)(1)(i); 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 psychological or any action 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 Lesly E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, Nat’l Immigration Women’s Advocacy Project (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

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 “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.).

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

See 45 C.F.R. § 1626.5(a).


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


313 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 1531 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

314 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).

315 “Related legal assistance means legal assistance directly related” to “the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include or originate relief matters in domestic law matters and protection 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’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), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, Nat’l Immigrant Women’s Advocacy Project (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/.

316 See 45 C.F.R. § 1626.3(a).


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


NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), Trafficking, and Other Crimes, 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 Exploitation, and Other Crimes.


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

233 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).

234 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related to “the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse.” Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions”).). 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 Exploitation, and Other Crimes, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, Guide: Access to Publicly Funded Legal Services for Immigrant Survivors, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfunded/.

235 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum 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, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”).


239 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(b) (1996) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are part of an overall pattern of violence. The definition of battering or extreme cruelty is identical to that in the immigration regulations.”). See Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/. Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

240 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.).

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

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

243 Compare 45 C.F.R. § 1626.2(b) (1997) and 8 C.F.R. § 204.2(c)(1)(vi) (2012).

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


