

Access to State-Funded^a Public Benefits in Virginia for Survivors,

Based on Immigration Status^b

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	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
	<i>Qualified Immigrant^d</i>		<i>HHS Certification</i>	<i>Lawfully Present</i>			<i>Limited Benefits Eligibility¹⁰</i>	
TANF	Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996. ¹¹ (After the first 12 months may be subject to deeming). ¹²	<u>T visa</u> ; with HHS certification or eligibility determination, eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees. ¹³	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). ¹⁶ These human trafficking victims are eligible to the same	Not eligible. ²⁰	Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996. ²¹ (may be subject to deeming). ²²	Eligible after receiving lawful permanency, subject to five-year bar for those who arrived on or after August 22, 1996. ²³ (may be subject to deeming). ²⁴	No federal eligibility. ²⁵	Not eligible. ²⁶

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

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

^c © National Immigrant Women's Advocacy Project, American University, Washington College of Law 2018. This publication was developed under grant number SJI-15-T-234 and SJI-20-E-005 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.

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

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
TANF		At the state's discretion, <u>T visa holders or applicants</u> eligible as qualified immigrants with prima facie (bona fide) determination, subject to five-year bar for those who entered on or after August 22, 1996. ¹⁴ <i>In Virginia, eligible for the Virginia Refugee Cash Assistance Program.</i> ¹⁵	extent as refugees and thus are eligible regardless of date of entry. ¹⁷ Family members with T visa status are eligible without HHS certification or determination; they are eligible to the same extent as refugees and thus eligible regardless of date of entry. ¹⁸ <i>In Virginia, eligible for the Virginia Refugee Cash Assistance Program.</i> ¹⁹					
Child Care	Children with prima facie determination are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care. ²⁷ TANF-funded child care subject to five-year bar for immigrants who entered on or after August 22, 1996. ²⁸	Children who are <u>asylees or refugees</u> are eligible for CCDF-funded child care and TANF-funded child care. ²⁹ <u>T visa</u> : Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees. ³⁰ Children who are T visa holders or applicants	Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or an HHS eligibility determination (under 18) are eligible for CCDF-funded child care and TANF-funded child care. ³² Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Childcare is subject to Head Start performance standards; or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or	Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or

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Child Care		with prima facie (bona fide) determination are eligible for CCDF-funded child care. They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996. ³¹	Certification or eligibility determination. ³³	during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ³⁴	(3) Eligibility for child care services is determined by a nonprofit charitable organization. ³⁵ Upon receiving lawful permanent residency, eligible for CCDF-funded child care. Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996. ³⁶	Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ³⁷ Upon receiving lawful permanent residency, eligible for CCDF-funded child care. Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996. ³⁸	during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ³⁹	during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization. ⁴⁰
SNAP (Food Stamps)⁴¹	Eligible with prima facie determination, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled. ⁴²	<u>Refugee/Asylee:</u> Eligible with no additional conditions. ⁴³ <u>T visa:</u> Eligible with prima facie (bona fide) determination on T visa application, subject to an additional condition (e.g., five-years residency, under 18, elderly, or disabled). ⁴⁴ Also eligible under the Trafficking Victims Protection Act to the same extent as refugees. ⁴⁵	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). ⁴⁶ Family members with T visa status eligible without HHS certification or	Not eligible.	Eligible upon receiving lawful permanent residency, subject to an additional condition, ⁴⁹ e.g.: under 18, ⁵⁰ five years residency, ⁵¹ 40 qualifying work quarters, ⁵² or disabled. ⁵³	Eligible upon receiving lawful permanent residency, subject to an additional condition, ⁵⁴ e.g.: under 18, ⁵⁵ five years residency, ⁵⁶ 40 qualifying work quarters, ⁵⁷ elderly, ⁵⁸ or disabled. ⁵⁹	Not eligible.	Not eligible.

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SNAP			<p>eligibility determination.⁴⁷</p> <p>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.⁴⁸</p>					
The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)	<p>The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status.⁶⁰ 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.⁶¹ 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).⁶²</p> <p><i>In Virginia, applicants should apply for WIC at an office located within their respective health district.⁶³ To be income eligible, a parent or guardian who is the sole provider for children under age five must be at or below 185 percent of the federal poverty level.⁶⁴</i></p>							
Purchase Health Insurance on Exchanges^e	Eligible with prima facie determination. ⁶⁵	<p><u>Refugee</u>: Eligible.⁶⁶</p> <p><u>Asylee</u>: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.⁶⁷</p> <p><u>T visa</u>: Eligible with prima facie (bona fide) determination on T visa application.⁶⁸</p>	<p>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).⁶⁹</p> <p>Family members with T visa status eligible without HHS</p>	Not eligible. ⁷²	Eligible upon filing SIJS application. ⁷³	Eligible upon U visa, bona fide determination, ⁷⁴ or wait list approval. ⁷⁵	Not eligible. ⁷⁶	Not eligible. ⁷⁷

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

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Health Insurance Exchanges			<p>certification or eligibility determination.⁷⁰</p> <p>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.⁷¹</p>					
Child Health Insurance Program (CHIP)⁷⁸	<p>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, 1996.⁷⁹</p> <p><i>In Virginia, VAWA self-petitioners who are children or pregnant with a prima facie determination are lawfully present and are eligible for CHIP regardless of date of entry.⁸⁰</i></p>	<p><u>Refugee/Asylee:</u> Eligible, exempt from five-year bar.</p> <p><u>T visa</u> holders and applicants with prima facie (bona fide) determination who arrived prior to August 22, 1996, are immediately eligible for CHIP as qualified immigrants, with no seven-year time limit.⁸¹</p> <p><i>In Virginia, eligibility limited to seven years for refugees, asylees, and T visa holders who arrived on or after August 22, 1996.⁸²</i></p> <p><i>Exception when refugees, asylees, and T visa holders become lawful permanent residents they can continue to receive</i></p>	<p>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).⁸⁵</p> <p>Family members with T visa status eligible without HHS Certification or eligibility determination.⁸⁶</p> <p>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.⁸⁷</p> <p><i>In Virginia, human trafficking victims</i></p>	<p>Eligible for emergency Medicaid regardless of immigration status.⁸⁹</p>	<p><i>In Virginia, SIJS applicant children (including those who are pregnant) are eligible for CHIP regardless of date of entry.⁹⁰</i></p> <p><i>In Virginia, continued eligibility after age 19 upon receiving lawful permanent residency and completion of the five-year bar for those who first entered the U.S. after August 22, 1996.⁹¹</i></p>	<p>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.⁹²</p> <p><i>In Virginia, U visa holders, bona fide, and wait list approved U visa applicant children and those who are pregnant are eligible for CHIP regardless of date of entry.⁹³</i></p> <p><i>In Virginia, continued eligibility after age 19 upon receiving lawful permanent residency and completion of the five-year bar for those who first</i></p>	<p>Eligible for emergency Medicaid regardless of immigration status.⁹⁵</p>	<p>Eligible for emergency Medicaid regardless of immigration status.⁹⁶</p>

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CHIP		<p>Medicaid and the 7 year limitation no longer applies.⁸³</p> <p>In Virginia, children and pregnant persons who are refugees, asylees, applicants for asylum, T visa holders, or T visa applicants with a bona fide determination are eligible for CHIP regardless of date of entry with no seven year limitation.⁸⁴</p>	<p>under the TVPA who are children or pregnant are eligible for CHIP regardless of date of entry with no seven year limitation.⁸⁸</p>			<p>entered the U.S. after August 22, 1996.⁹⁴</p>		
Full-Scope Medicaid⁹⁷	<p>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, 1996.⁹⁸</p> <p>Eligible for emergency Medicaid regardless of immigration status.⁹⁹</p> <p>In Virginia, pregnant persons with a prima facie determination are eligible, regardless of date of entry.¹⁰⁰</p> <p>If entered on or after August 22, 1996, eligible after prima</p>	<p>Refugee/Asylee: Eligible, exempt from five-year bar.¹⁰³</p> <p>T visa holders and T visa applicants with prima facie (bona fide) determinations : Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.</p> <p>In Virginia, refugee benefits limited to 7 years for those who entered on or after August 22, 1996.¹⁰⁴</p> <p>In Virginia, T visa holders and T visa</p>	<p>Human trafficking victims are eligible with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).¹¹⁰</p> <p>Family members with T visa status eligible without HHS Certification or eligibility determination.¹¹¹</p> <p>These human trafficking victims are eligible to the same extent as refugees and</p>	<p>Eligible for emergency Medicaid regardless of immigration status.¹¹⁷</p>	<p>Eligible for emergency Medicaid regardless of immigration status.¹¹⁸</p> <p>In Virginia, eligible after attaining lawful permanent residency, subject to five-year bar;¹¹⁹ or with a military connection, eligible regardless of date of entry or work credits.¹²⁰</p> <p>In Virginia, pregnant SIJS applicants and recipients are eligible regardless of date of entry.¹²¹</p>	<p>Eligible for emergency Medicaid regardless of immigration status.¹²²</p> <p>In Virginia, if entered prior to Aug. 22, 1996, eligible upon attaining lawful permanent residency.¹²³</p> <p>If entered on or after August 22, 1996, eligible after attaining lawful permanent residency, subject to five-year bar;¹²⁴ with a military</p>	<p>Eligible for emergency Medicaid regardless of immigration status.¹²⁷</p>	<p>Eligible for emergency Medicaid regardless of immigration status.¹²⁸</p>

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Full-Scope Medicaid	<i>facie determination subject to five-year bar;. ¹⁰¹ with a military connection, eligible regardless of date of entry or work credits.¹⁰²</i>	<p><i>applicants with prima facie (bona fide) determinations who entered before August 22, 1996, are immediately eligible as qualified immigrants, with no seven-year time limit.¹⁰⁵</i></p> <p><i>Refugees, asylees, T visa holders, and T visa applicants with prima facie (bona fide) determinations who arrived on or after August 22, 1996, are eligible with no time limit after attaining lawful permanent residency subject to the five-year bar;¹⁰⁶ with a military connection, they are eligible regardless of date of entry and with no time limit or work requirement.¹⁰⁷</i></p> <p><i>In Virginia, pregnant persons who are refugees, asylees, applicants for asylum, T visa holders or T visa applicants with prima facie (bona fide) determination are eligible regardless of</i></p>	<p>are exempt from the five-year bar.</p> <p>Eligible for emergency Medicaid regardless of immigration status.¹¹²</p> <p><i>In Virginia, refugee eligibility is limited to seven years for those who entered on or after August 22, 1996.¹¹³</i></p> <p><i>In Virginia, After seven years, human trafficking victims can remain eligible with no time limit after attaining lawful permanent residency subject to the five-year bar;¹¹⁴ with a military connection, they remain eligible with no time limit or work requirement.¹¹⁵</i></p> <p><i>In Virginia, pregnant persons who are human trafficking victims under the TVPA are eligible for Medicaid, regardless of date of entry.¹¹⁶</i></p>			<p><i>connection, eligible regardless of date of entry or work credits.¹²⁵</i></p> <p><i>In Virginia, wait-list approved U visa applicants with a bona fide determination or wait list approval who are pregnant are eligible regardless of date of entry.¹²⁶</i></p>		

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Full-Scope Medicaid		<i>date of entry or length of stay.¹⁰⁸</i> <i>In Virginia, eligible for Refugee Medical Assistance (RMA) for those who meet the Medicaid Program financial requirements, but do not meet the non-financial requirements.¹⁰⁹</i>						
Victims of Crime Act (VOCA) Compensation	The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status. ¹²⁹							
Family Medical Leave Act – State Law	Virginia has no state Family Medical Leave Act (FMLA). Federal FMLA law applies. ¹³⁰							
Education-Federal Benefits: Federal Student Aid, Grants and Loans¹³¹	With prima facie determination, eligible. ¹³²	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. ¹³³	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. ¹³⁴	Not eligible for federal student aid. ¹³⁵	Eligible for federal student aid upon receipt of lawful permanent residency. ¹³⁶	Eligible for federal student aid upon receipt of lawful permanent residency. ¹³⁷	Not eligible for federal student aid.	Not eligible for federal student aid.
Education-State Law	All children, without regard to immigration status or citizenship are eligible to attend public elementary and secondary (K-12) schools. State schools may not request citizenship or immigration status information and may not bar students from enrolling in public elementary or secondary schools based on the citizenship or immigration status of the student, their parent or their guardian. ¹³⁸ Eligible to apply for and enroll in state funded colleges and universities without regard to immigration status. ¹³⁹							

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State Education	All students regardless of citizenship status are eligible to enroll in state funded universities in Virginia. ¹⁴⁰ In its public postsecondary institutions, Virginia allows in state tuition for immigrant students who attended high school for at least two years in Virginia or passed a high school equivalency examination in Virginia, provided the student submits evidence of tax returns filed by the student, their parent or guardian for at least two years prior to enrollment in an institution of higher education in Virginia. ¹⁴¹ In-state tuition also available to refugees and children who have been granted Special Immigrant Juvenile Status. ¹⁴² Immigrant students eligible for in-state tuition are among the immigrant students eligible for financial aid in Virginia. ¹⁴³ Certain institutions of higher education in Virginia will offer institutional aid or scholarships for eligible DACA students. ¹⁴⁴							
Supplemental Security Income (SSI)¹⁴⁵	<p>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.¹⁴⁶ May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.¹⁴⁷</p> <p>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,¹⁴⁸ subject to five-year bar for those who arrived on or after August 22, 1996.¹⁴⁹</p>	<p><u>Refugees/Asylees:</u> Eligible during first seven years after the status was granted.¹⁵⁰</p> <p><u>Trafficking victims:</u> eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.¹⁵¹</p> <p><u>T visa:</u> Eligible as a qualified immigrant with prima facie (bona fide) determination on T visa application if received SSI on of August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.¹⁵² May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.¹⁵³ This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7 years.¹⁵⁴</p>	Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees. ¹⁵⁵	Not eligible.	Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, ¹⁵⁶ subject to five-year bar for those who arrived on or after August 22, 1996. ¹⁵⁷	Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work ¹⁵⁸ subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI on August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled. ¹⁵⁹ Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979. ¹⁶⁰	Not eligible. ¹⁶¹	Not eligible. ¹⁶²

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
Driver's License ¹⁶³	<p>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.¹⁶⁴ The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.¹⁶⁵ All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).¹⁶⁶ DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS.¹⁶⁷ In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”¹⁶⁸</p> <p><i>In Virginia, driver’s licenses may be obtained by: Legal Permanent Residents of the United States, Conditional Resident Aliens of the United States, holders of a valid unexpired nonimmigrant visa status, individuals with a pending or approved application for asylum in the United States, refugees, individuals with a pending or approved application for temporary protected status in the United States, individuals with approved deferred action status (e.g. approved VAWA self-petitioners, wait list approved U visa applicants, DACA), individuals with a pending application for adjustment of status to legal permanent resident status or conditional resident status.¹⁶⁹</i></p> <p><i>In Virginia, the following documents are accepted¹⁷⁰:</i></p> <ul style="list-style-type: none"> • One proof of identity • One proof of legal presence (acceptable documents vary based on immigration status¹⁷¹ but below is a non-exhaustive list¹⁷²: <ul style="list-style-type: none"> ○ Official letter from the USCIS indicating that immigrant has been granted Deferred Action Status; Resident Alien Card, Permanent Resident Card, or Northern Marianas Card (I-551) unexpired or expired for not more than one year; Unexpired or expired for not more than one year temporary I-551 stamp on an I-94 with photograph of the bearer; Unexpired foreign passport with an unexpired or expired U.S. visa and an unexpired I-94 with an I-551 stamp; Alien Registration Receipt Card (I-151); USCIS form I-797 receipt notice for an I-90 application displaying applicant’s name; USCIS form I-797 approval notice for an I-751 petition displaying applicant’s name; Unexpired foreign passport with an unexpired U.S. Immigrant Visa presented within one year of entry; Unexpired Re-entry Permit (I-327); Unexpired Refugee Travel Document (I-571); Form I-94 Record of Arrival and Departure stamped Refugee; U.S. Department of Receptions and Placement Program Assurance Form and I-94 stamped Refugee. • Two proofs of Virginia Residency 							<p><i>Virginia offers a driver privilege card¹⁷³ which is a driving credential for individuals who are non-US citizens and cannot meet Virginia's legal presence requirements, making them ineligible to receive a standard or REAL ID-compliant driver's license in Virginia. Requirements are:</i></p> <ul style="list-style-type: none"> • Non-US citizens who are residents of Virginia • Have reported income from Virginia sources or are claimed as a dependent on a tax return filed in Virginia in the past 12 months; and • Driving privilege is not currently suspended or revoked in Virginia or any other state, to include insurance-related infractions.
Professional & Occupational Licenses	No state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.							
Housing, Health, and Other Services Necessary to Protect Life or Safety	Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status and may not withhold those services based on immigration status. ¹⁷⁴ Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services (including federally qualified health centers); mental health, disability, or substance abuse assistance necessary to protect life or safety; activities designed to protect the life or safety of workers, children and youths, or community residents; programs to help individuals during periods of adverse weather conditions. ¹⁷⁵							

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
Life and Safety Services	<i>In Virginia, the Homelessness Solutions Program (VHSP) administers the Emergency Solutions Grant (ESG) and provides street outreach, shelter, and rapid re-housing services to the homeless, and homelessness prevention services to those at risk of homelessness.¹⁷⁶The Virginia Department of Housing and Community Development provides a list for those in need of a homeless or domestic violence shelter.¹⁷⁷</i>							
Public and Assisted Housing,¹⁷⁸ and Low-Income Housing Tax Credit (LIHTC) Housing¹⁸⁰	<p>Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility.¹⁸¹</p> <p>USDA rental housing follows HUD procedures for processing VAWA self-petitions,¹⁸² 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),¹⁸³ and USDA Section 514/516 Farm Labor Housing if immediate family member of eligible tenant.¹⁸⁴</p>	<p><u>Refugee/Asylee, T visa holder or T visa applicant</u> with prima facie (bona fide) determination eligible for:</p> <p>HUD public and assisted housing;¹⁸⁹ USDA Section 515 Rural Rental Housing;¹⁹⁰ USDA Section 521 Rural Rental Assistance;¹⁹¹ USDA Section 514/516 Farm Labor Housing if immediate family member¹⁹² or remaining household member¹⁹³ of eligible domestic farm laborer.</p> <p>Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.¹⁹⁴</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.¹⁹⁵</i></p>	<p>Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status (no need for HHS certification or eligibility determination),¹⁹⁶ are eligible for: HUD public and assisted housing¹⁹⁷ and USDA rental housing.¹⁹⁸</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.¹⁹⁹</i></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²⁰⁰ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁰¹</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.²⁰²</i></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²⁰³ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²⁰⁴</p> <p>Upon receiving lawful permanent residency,²⁰⁵ eligible for HUD²⁰⁶ and USDA²⁰⁷ rental housing.²⁰⁸</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.²⁰⁹</i></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²¹⁰ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²¹¹</p> <p>Upon receiving lawful permanent residency,²¹² eligible for HUD²¹³ and USDA²¹⁴ rental housing.²¹⁵</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.²¹⁶</i></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²¹⁷ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²¹⁸</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.²¹⁹</i></p>	<p>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),²²⁰ and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.²²¹</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.²²²</i></p>

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
Public and Assisted Housing and LIHTC	<p>Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.¹⁸⁵</p> <p>Upon receiving lawful permanent residency, eligible for USDA Section 514/516 Farm Lab or Housing;¹⁸⁶ USDA Section 521 Rural Rental Assistance.¹⁸⁷</p> <p><i>In Virginia, may be eligible to live in Low-Income Housing Tax Credit property.¹⁸⁸</i></p>							
Income Tax Credits	<p>Child Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) who care for dependent children under the age of 17 are eligible to claim a child tax credit on their income taxes.²²³ A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).²²⁴ 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.²²⁵</p> <p>Child and Dependent Care Tax Credit: Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for—</p> <ul style="list-style-type: none"> • A dependent child under the age of 13, • A spouse who is unable to physically or mentally care for themselves, or • An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.²²⁶ <p>The child or dependent must have a social security number or ITIN.²²⁷ 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.²²⁸</p>							

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
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, ²²⁹ have a social security number valid for work, ²³⁰ and have earned income during the tax year ²³¹ are eligible for the earned income tax credit (EITC). ²³²	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, ²³³ have a social security number valid for work, ²³⁴ and have earned income during the tax year ²³⁵ are eligible for the earned income tax credit (EITC). ²³⁶	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, ²³⁷ have a social security number valid for work, ²³⁸ and have earned income during the tax year ²³⁹ are eligible for the earned income tax credit (EITC). ²⁴⁰	DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, ²⁴¹ have a social security number valid for work, ²⁴² and have earned income during the tax year ²⁴³ are eligible for the earned income tax credit (EITC). ²⁴⁴	SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, ²⁴⁵ have a social security number valid for work, ²⁴⁶ and have earned income during the tax year ²⁴⁷ are eligible for the earned income tax credit (EITC). ²⁴⁸	Once granted lawful permanent residency ²⁴⁹ or work authorization U visa holders and U visa applicants with deferred action (based on bona fide determinations or wait-list approval) who have lived in the U.S. for six months, ²⁵⁰ who have a social security number valid for work, ²⁵¹	Not eligible.	Not eligible.
Legal Services²⁵²	An immigrant who (or whose child) is battered or subjected to extreme cruelty ²⁵³ inside or outside of the United States ²⁵⁴ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse. ²⁵⁵ Eligible for legal assistance on any matter the LSC-funded agency handles upon	<u>Refugee/Asylee:</u> Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles. ²⁶³ <u>T visa:</u> An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa holder, ²⁶⁴ is eligible for legal assistance on any	An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, ²⁷⁰ and family members with (or applying for) T visa status, ²⁷¹ are eligible for legal assistance on any matter the LSC-funded agency handles. Eligible for Office of Violence Against Women funded Legal Assistance ²⁷² for	A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, ²⁷⁶ or is a victim of sexual assault or trafficking in the U.S., ²⁷⁷ is eligible for legal services from LSC-funded	Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, ²⁸⁴ or sexual assault or trafficking in the U.S., ²⁸⁵ on matters related to the abuse. ²⁸⁶ Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR	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 ²⁹³ is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies ²⁹⁴ on	An immigrant who has (or whose child has) applied for, or qualifies to apply for U visa status and a family member eligible to apply for U visa status ³⁰² is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies ³⁰³ on	An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty, ³⁰⁹ or is a victim of sexual assault or trafficking in the U.S., ³¹⁰ is eligible for legal services from LSC-funded agencies ³¹¹ on matters related to the abuse. ³¹²

	VAWA Self-Petitioner¹ and Battered Spouse Waiver²	Refugee,³ Asylee, T Visa⁴	T Visa⁵/ Continued Presence⁶	Deferred Action for Childhood Arrivals (DACA)⁷	Special Immigrant Juvenile Status (SIJS)⁸	U Visa, bona fide, or wait list approval⁹	U Visa Applicants	Undocumented
Legal Services	<p>receiving lawful permanent resident status,²⁵⁶ or spouses, parents, and unmarried children under age 21 of U.S. citizens²⁵⁷ become eligible for full representation on any matter upon filing an application for lawful permanent residency.²⁵⁸</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance²⁵⁹ as a victim of domestic violence, sexual assault, stalking²⁶⁰ or dating violence.²⁶¹ Must be at least 11 years old.²⁶²</p>	<p>matter the LSC-funded agency handles.²⁶⁵</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance²⁶⁶ for victims of domestic violence, sexual assault, stalking²⁶⁷ or dating violence.²⁶⁸ Must be at least 11 years old.²⁶⁹</p>	<p>victims of domestic violence, sexual assault, stalking²⁷³ or dating violence.²⁷⁴</p> <p>Must be at least 11 years old.²⁷⁵</p>	<p>agencies²⁷⁸ on matters related to the abuse.²⁷⁹</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance²⁸⁰ for victims of domestic violence, sexual assault, stalking²⁸¹ or dating violence.²⁸² Must be at least 11 years old.²⁸³</p>	<p>status,²⁸⁷ or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.²⁸⁸</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance²⁸⁹ for victims of domestic violence, sexual assault, stalking²⁹⁰ or dating violence.²⁹¹ Must be at least 11 years old.²⁹²</p>	<p>matters related to the crime victimization.²⁹⁵</p> <p>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,²⁹⁶ or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.²⁹⁷</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance²⁹⁸ for victims of domestic violence, sexual assault, stalking²⁹⁹ or dating violence.³⁰⁰ Must be at least 11 years old.³⁰¹</p>	<p>matters related to the crime victimization.³⁰⁴</p> <p>Eligible for Office of Violence Against Women funded Legal Assistance³⁰⁵ for victims of domestic violence, sexual assault, stalking³⁰⁶ or dating violence.³⁰⁷ Must be at least 11 years old.³⁰⁸</p>	<p>Eligible for Office of Violence Against Women funded Legal Assistance³¹³ for victims of domestic violence, sexual assault, stalking³¹⁴ or dating violence.³¹⁵ Must be at least 11 years old.³¹⁶</p>
Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.³¹⁷</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.³²¹</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.³²⁵</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.³³¹</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.³³⁵</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard</p>	<p>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard</p>

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
WAP and LIHEAP	<p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of prima facie determination.³¹⁸</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³¹⁹</i></p> <p><i>In Virginia, LIHEAP is administered by the Virginia Department of Social Services as the Virginia Energy Assistance Program.³²⁰</i></p>	<p>Refugees, asylees, T visa holders, and T visa applicants with prima facie (bona fide) determination eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance.³²²</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³²³</i></p> <p><i>In Virginia, LIHEAP is administered by the Virginia Department of Social Services as the Virginia Energy Assistance Program.³²⁴</i></p>	<p>Human trafficking victims with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18), are considered refugees and thus are eligible for LIHEAP heating/cooling and single-family weatherization assistance.³²⁶</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³²⁷</i></p> <p><i>In Virginia, LIHEAP is administered by the Virginia Department of Social Services as the Virginia Energy Assistance Program.³²⁸</i></p>	<p>to immigration status.³²⁹</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³³⁰</i></p>	<p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.³³²</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³³³</i></p> <p><i>In Virginia, LIHEAP is administered by the Virginia Department of Social Services as the Virginia Energy Assistance Program.³³⁴</i></p>	<p>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.³³⁶</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³³⁷</i></p> <p><i>In Virginia, LIHEAP is administered by the Virginia Department of Social Services as the Virginia Energy Assistance Program.³³⁸</i></p>	<p>to immigration status.³³⁹</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³⁴⁰</i></p>	<p>to immigration status.³⁴¹</p> <p><i>In Virginia, the WAP is administered by the Virginia Department of Housing and Community Development, with services provided by nonprofits and local governments.³⁴²</i></p>

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Federal Emergency Management Agency (FEMA) Assistance³⁴³	<p>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.³⁴⁴</p> <p>D-SNAP, which provides temporary food assistance for households affected by a natural disaster, may be available for households that are not normally eligible for SNAP benefits.³⁴⁵</p>							
Federal Emergency Management Agency (FEMA)-Restricted Programs³⁴⁶	<p>Upon receipt of prima facie determination:</p> <p>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).³⁴⁷</p> <p>Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.³⁴⁸</p>	<p>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to <u>Refugees, Asylees, T visa applicants</u> with prima facie (bona fide) determination.³⁴⁹</p> <p>Emergency SNAP open to <u>Refugees/Asylees</u> (no five-year bar),³⁵⁰ and <u>T visa applicants</u> with prima facie (bona fide) determination, subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.³⁵¹</p>	<p>Human trafficking victims eligible: with HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination).³⁵²</p> <p>These human trafficking victims are considered refugees and thus are eligible for FEMA Assistance Programs, Individual and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Emergency SNAP.³⁵³</p>	Not eligible.	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).³⁵⁴</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.³⁵⁵</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).³⁵⁶</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born</p>	<p>Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).³⁵⁸</p> <p>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of work earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996</p>	Not eligible. ³⁶⁰

	VAWA Self-Petitioner ¹ and Battered Spouse Waiver ²	Refugee, ³ Asylee, T Visa ⁴	T Visa ⁵ / Continued Presence ⁶	Deferred Action for Childhood Arrivals (DACA) ⁷	Special Immigrant Juvenile Status (SIJS) ⁸	U Visa, bona fide, or wait list approval ⁹	U Visa Applicants	Undocumented
FEMA Restricted Programs						before Aug. 22, 1931. ³⁵⁷	and either receiving disability-related benefits or born before Aug. 22, 1931. ³⁵⁹	
Unemployment Insurance³⁶¹	Eligible for UI upon receipt of work authorization. ³⁶²	<u>Refugee:</u> Eligible for UI upon receipt of work authorization. ³⁶³ <u>Asylee:</u> Eligible for UI upon grant receipt of work authorization. ³⁶⁴ <u>T Visa:</u> Eligible for UI upon receipt of work authorization. ³⁶⁵	Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization. ³⁶⁶	Eligible for UI upon receipt of work authorization. ³⁶⁷	Eligible for UI receipt of work authorization. ³⁶⁸	Eligible for UI upon receipt of work authorization. ³⁶⁹	Not eligible. ³⁷⁰	Not eligible. ³⁷¹

¹ VAWA self-petitioner for public benefits purposes includes: VAWA self-petitioners, battered spouse waiver applicants, applicants for relief under VAWA Cuban Adjustment Act (“VAWA CAA”), VAWA Haitian Refugee Immigration and Fairness Act (“VAWA HRIFA”), VAWA Nicaraguan and Central American Relief Act (“VAWA NACARA”), VAWA cancellation of removal, VAWA suspension of deportation, and battered spouses and children with approved I-130 visa applications filed by their abusive citizen spouse, parent or step-parent. *See* 8 U.S.C. § 1641(c); 8 U.S.C. § 1101(a)(51). Battered Spouse Waiver (BSW) applicants/recipients have the same eligibility for public benefits purposes as VAWA self-petitioners. BWS victims are eligible either as conditional permanent residents if they still have that status and/or are or continue to be eligible once they file their battered spouse waiver application. Battered spouse waiver applicants have greater benefits access than conditional and lawful permanent residents because they have access to exemptions from deeming and have access to benefits that are only available to battered immigrants.

² Battered Spouse Waiver victims are VAWA self-petitioners as defined in INA § 101(a)(51). To be eligible for a battered spouse waiver the victim must be a battered immigrant spouse of a U.S. citizen or lawful permanent resident who filed an immigration case on the battered spouse’s behalf through which the immigrant spouse was granted conditional permanent residency. Most battered spouse waiver applicants will have conditional permanent residency at the time they file their battered spouse waiver application. Their public benefits eligibility is based either on their conditional permanent residency or on their battered spouse waiver application. It is important to note that after an abused immigrant spouse files their battered spouse waiver application, they become eligible for VAWA self-petitioning related deeming exceptions and eligible for state funded public benefits to the same extent as all other VAWA self-petitioners in states that grant self-petitioners access to state funded public benefits.

³ Afghans granted humanitarian parole between July 31, 2021, and September 30, 2022 — and their spouses and children, and parents or guardians of unaccompanied children granted parole after September 30, 2022 — also are eligible for federal benefits to the same extent as refugees. Eligibility for this group continues until March 31, 2023, or the end of their parole term, whichever is later. Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43 (Sept. 30, 2021). Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2023 – and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2023 – are eligible for federal benefits to the same extent as refugees. Department of Homeland Security, President Biden to Announce Uniting For Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing the Russian Invasion of Ukraine. (April 21, 2022) <https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians>.

⁴ *See* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4) (Asylees, Refugees and trafficking victims and family members of trafficking victims with T visa status or a pending T visa application setting forth a “prima facie” (bona facie) case for eligibility); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92279, 92304, 92307 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274) (Prima facie/bona fide determinations on T visa applications are made by the Department of Homeland Security.).

⁵ See 22 U.S.C. § 7105(b)(1) (Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees.); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), <http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/>.

⁶ See 22 U.S.C. § 7105(b)(1)(E)(i)(II)(bb) (Immigrants with HHS certification that their continued presence is needed to effectuate prosecution of human traffickers are eligible to receive public benefits to the same extent as refugees.); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

⁷ See DACA, NAT’L IMMIGRATION LAW CTR. (last visited Mar. 2, 2018), <https://www.nilc.org/issues/daca/> (DACA is “deferred action” for certain undocumented youth who came to the United States as children.).

⁸ See 8 U.S.C. § 1101(a)(27)(j) (Special Immigrant Juvenile Status (SIJS) allows certain youth immigrant survivors of abuse, abandonment, and/or neglect by a parent to obtain legal immigration status.).

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

¹⁰ State benefits agencies are only allowed to ask for immigration status and social security number information for the family members who is the applicant for the benefit. See NAT’L IMMIGRATION LAW CTR., *Privacy Protections in Selected Federal Benefits Programs* (Feb. 21, 2018) <https://www.nilc.org/wp-content/uploads/2018/03/privacy-protections-fed-programs-tbl-2018.pdf> (providing guidelines on what information a State may request from a parent applying on behalf of a child applicant); see also Anna Pohl, Hema Sarangapani, Amanda Baran, and Cecilia Olavarria, *Chapter 4.3: Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Jul. 10, 2013), <http://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Man-Ch4.3-AccompanyingVictimsApplyingPB-07.10.13.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 (Schip), 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-HHSQACitizenshipPolicyGuidance-03.24.06.pdf>.

¹¹ NAT’L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c); VA TANF Manual Ch. 201.7(A)(2), http://dss.virginia.gov/files/division/bp/tanf/manual/200_06302016.pdf. VAWA self-petitioner with a military connection is eligible without five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2).

¹² 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), <http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/>. See Catherine Longville and Leslye Orloff, *Public Benefits: What is “Deeming” and What Are its Exceptions*, (January 13, 2015), <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>. *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>.

¹³ See 22 U.S.C. § 7105(b)(1); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for “T” Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), <http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/>. TANF benefits for refugees are available without a five-year waiting period, but are limited to five years. However, if the refugee attains lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as a lawful permanent resident by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. See NAT’L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., *TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen)* (April 17, 2003), <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>.

¹⁴ NAT’L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 8 U.S.C. § 1641(c)(4). An applicant with a military connection is eligible as a matter of federal law, without the five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Federal law does not require states to impose the five-year time limit to trafficking victim eligibility as a qualified immigrant. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See OFFICE OF FAMILY ASSISTANCE, U.S. DEP’T OF HEALTH & HUM. SERV., *TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources to A Non-Citizen)* (April 17, 2003), <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>.

¹⁵ *Chapter 03- Refugee Cash Assistance Program*, VA DEP’T OF SOC. SERVS., *Refugee Benefits & Services*, <https://dss.virginia.gov/family/ons/services.cgi> (last visited June 1, 2018).

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

¹⁷ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>

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

¹⁹ *Chapter 03- Refugee Cash Assistance Program*, VA DEP'T OF SOC. SERVS., *Refugee Benefits & Services*, <https://dss.virginia.gov/family/ons/services.cgi> (last visited June 1, 2018).

²⁰ 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/.

²¹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1). SIJS applicant with a military connection is eligible without five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2).

²² 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse's or parent's family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att'y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)). <http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/>. See Catherine Longville and Leslye Orloff, *Public Benefits: What is "Deeming" and What Are its Exceptions*, (January 13, 2015), <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>; *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S. Code § 1631; <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>

²³ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(1). U visa applicant with a military connection is eligible without five-year bar. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2).

²⁴ 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse's or parent's family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att'y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)). <http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/>. See Catherine Longville and Leslye Orloff, *Public Benefits: What is "Deeming" and What Are its Exceptions*, (January 13, 2015), <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>; *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies*, in NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 9, 2015), <http://niwaplibrary.wcl.american.edu/public-charge-deeming/>. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S. Code § 1631; <https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0>²⁵ 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/.

²⁶ 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/.

²⁷ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF-funded child care, including but not limited to child care provided by non-profit charitable organizations. U.S. Department of Health and Human Services, *Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees*, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>; NAT'L IMMIGRATION LAW CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117* (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

²⁸ NAT'L IMMIGRATION LAW CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117* (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(c).

²⁹ EXPLAIN LIMIT IN FOOTNOTE SAME AS TANF See 8 U.S.C. § 1641(b)(2)-(3). NAT'L IMMIGRATION LAW CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117* (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁰ See 22 U.S.C. § 7105(b)(1); NAT'L IMMIGRATION LAW CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117* (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³¹ See 8 U.S.C. § 1641(c)(4). NAT'L IMMIGRATION LAW CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117* (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf³²

³² NAT'L IMMIGRATION LAW CTR., *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117* (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

³³ NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SER., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

³⁴ NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁵ NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁶ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. U.S. Department of Health and Human Services, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(b)(1).

³⁷ NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

³⁸ In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. U.S. Department of Health and Human Services, Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), <https://www.acf.hhs.gov/occ/resource/pi-2008-01>. NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. See 8 U.S.C. § 1641(b)(1).

³⁹ NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴⁰ NAT'L IMMIGRATION LAW CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.

⁴¹ See FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) (2017), <https://www.fns.usda.gov/snap/eligibility> (As with most public benefits, to obtain food stamps, individuals must also meet resource, income, and employment requirements. There is a pre-screening tool to determine if an individual might be eligible for nutrition assistance.); See also *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (In general, non-citizens who have lived in the U.S. for 5 years or more, are blind or disabled, are under the age of 18, were admitted for lawful permanent residence with 40 qualifying quarters or are lawfully residing and are on active duty in the U.S. Army, Air Force, Marine Corps, or Coast Guard or honorably discharged are eligible.)

⁴² NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018); See 8 U.S.C. § 1641(c). ADD BATTERED IMMIGRANT EXCEPTION https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf PAGE 31

⁴³ See 8 USC § 1612(a)(2)(A) and (L). Directly eligible for SNAP as refugees and asylees for seven years and because they are also qualified immigrants after five years they retain indefinite eligibility for SNAP. See 8 U.S.C. § 1641(b)(2)-(3). Refugees and asylees thus remain eligible for food stamps once the mandated seven-year federal coverage period 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/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, (last accessed Oct. 24, 2018); See 8 U.S.C. § 1641(b)(2)-(3). https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf P 31

⁴⁴ 8 U.S.C. § 1641(c)(4); NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁴⁵ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018); See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). ⁴⁶ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

⁴⁷ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

⁴⁸ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018); See 22 U.S.C. § 7105(b).

⁴⁹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁵⁰ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁵¹ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). Five-year residency includes time in qualified status prior to turning 18. ADD SAME When SIJS children become qualified immigrants they may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S. Code § 1631; https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf PAGES 31 AND 33 **CHECK ME**

⁵² *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.)

⁵³ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁵⁴ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁵⁵ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁵⁶ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (Five-year residency includes time in qualified status prior to turning 18.)

⁵⁷ See *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (Although eligibility based on 40 work quarters includes work performed by applicant, spouse, and parents while the applicant was under 18, SIJS youth are generally not able to satisfy this condition.)

⁵⁸ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018). (Born on or before August 22, 1931 and lawfully resided in the U.S. on August 22, 1996.)

⁵⁹ *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, <https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility> (last accessed Oct. 24, 2018).

⁶⁰ 42 U.S.C.S. § 1786; *Women, Infants, and Children (WIC)*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited June 14, 2018).

⁶¹ *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited June 14, 2018).

⁶² *WIC Eligibility Requirements*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <https://www.fns.usda.gov/wic/wic-eligibility-requirements> (last visited June 14, 2018).

⁶³ *Local Health Districts*, VA DEP'T OF HEALTH, <http://www.vdh.virginia.gov/local-health-districts/> (last visited June 22, 2018).

⁶⁴ *New Participants*, VA DEP'T OF HEALTH, <http://www.vdh.virginia.gov/wic-participants/new-participants/> (last accessed June 22, 2018).

⁶⁵ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c).

⁶⁶ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 2 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(b)(2).

⁶⁷ Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>. See 8 U.S.C. § 1641(b)(3); 45 C.F.R. § 152.2(5) (2017) ("A pending applicant for asylum under section 208(a) of the INA (8 U.S.C. § 1158) or for withholding of removal under section 241(b)(3) of the INA (8 U.S.C. § 1231) or under the Convention Against Torture who has been granted employment authorization, and such an applicant under the age of 14 who has had an application pending for at least 180 days.").

⁶⁸ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 8 U.S.C. § 1641(c)(4).

⁶⁹ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a

⁷⁰ OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

⁷¹ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>. See 22 U.S.C. § 7105(b).

⁷² NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 1, 1 n.4, 4-5 n.8 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf> (DACA recipients are the only deferred action recipients not eligible for insurance under the ACA.).

⁷³ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>.

⁷⁴ U visa bona fide determinations come with deferred action which is protection from deportation and which makes U visa applicants eligible for health care as lawfully residing immigrant. Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.

⁷⁵ Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>.

⁷⁶ Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMGR. WOMEN'S ADVOC. PROJECT (June 18, 2014), <http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5-6 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>.

⁷⁷ NAT'L IMMIGRATION LAW CTR., "LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 1 (2012, rev. 2016), <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf> (DACA coverage limited to those "lawfully present" in the United States).

⁷⁸ Details on health care subsidies included in footnotes.

⁷⁹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c).

⁸⁰ 12 Va. Admin. Code 30-40-10(3)(e)(1); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. 220.314(B)(1), <http://www.dmas.virginia.gov/files/links/63/NonFinancial%20Eligibility%20Requirements%20Oct2018.pdf>; VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/#:~:text=In%20the%20past%2C%20Green%20Card,ended%20on%20April%201%2C%202021.> (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27* (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

⁸¹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c)(4).

⁸² NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(b)(2)-(3).

⁸³ VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/#:~:text=In%20the%20past%2C%20Green%20Card,ended%20on%20April%201%2C%202021.> (last visited Aug. 24, 2022). 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*, footnote 5 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. (40 quarter requirement ended April 1, 2021).

⁸⁴ 12 Va. Admin. Code 30-40-10(3)(e); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. 220.314(B) *Lawfully Residing Non-Citizen Children Under Age 19 and Pregnant Women* (Rev'd July, 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27* (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

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

⁸⁶ 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/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

⁸⁷ 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 22 U.S.C. § 7105(b).

⁸⁸ 12 Va. Admin. Code 30-40-10(3)(e); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. 220.314(B), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

⁸⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

⁹⁰ 12 Va. Admin. Code 30-40-10(3)(e)(7); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. 220.314(B)(7), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

⁹¹ The 5 year bar is calculated from the date on which the SIJS recipient child attained lawful permanent residency. VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. 220.314(B)(7), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1).

⁹² 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.312, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; 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, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

⁹³ 12 Va. Admin. Code 30-40-10(3)(e); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. 220.314(B), (rev'd July 2022) <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

⁹⁴ VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1).

⁹⁵ 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/.

⁹⁶ 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/.

⁹⁷ Details on health care subsidies included in footnotes.

⁹⁸ 12 Va. Admin. Code 30-40-10(3)(b); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.312, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; 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, footnote 7 (4th ed. 2002, table updated Oct. 2011). See 8 U.S.C. § 1641(c).

⁹⁹ 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/.

¹⁰⁰ 12 Va. Admin. Code 30-40-10(3)(e)(7); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.314(B)(7), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27 (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

¹⁰¹ 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1); see also 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 2, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁰² See 8 U.S.C. 1612(b)(2)(C) (Medicaid eligibility based on a military connection refers to a qualified immigrant who is on active duty or honorably discharged with minimum service requirements, the spouse or unmarried dependent child of such veteran or service member, or the un-remarried surviving spouse of the deceased veteran or service member); see also 8 U.S.C. § 1613(b)(2) (no five-year bar for immigrants with military connection); 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/; VA DEP'T OF MED. ASSISTANCE SERVS., *Veteran & Active Duty Military Aliens in VA MED. ASSISTANCE ELIGIBILITY MANUAL* Ch. M0220.311 (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>

¹⁰³ 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, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. §§ 1612(b)(2)(A)(i); 1613(b)(1); 1641(b)(2)-(3); Federal eligibility for refugees and

asylees extends for the first seven years after attaining that status. After seven years, the refugee or asylee may be eligible as an LPR with 40 quarters of work (and will have satisfied the five-year bar applicable to LPRs). See 8 U.S.C. § 1612(b)(2)(B). Or some may be in a veteran-related category, see 8 U.S.C. § 1612(b)(2)(C), or fall in other categories that provide Medicaid benefits beyond seven years, see 8 U.S.C. §§ 1612(b)(2)(E) (certain Indians), (F) (receiving SSI). See also 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹⁰⁴ 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 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*, note 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Federal eligibility for refugees extends for the first seven years after attaining that status. After seven years, the refugee may be eligible as an LPR with 40 quarters of work (and will have satisfied the five-year bar applicable to LPRs). See 8 U.S.C. § 1612(b)(2)(B). Or some may be eligible based on a veteran-related category, see 8 U.S.C. § 1612(b)(2)(C), or fall in other categories that provide Medicaid benefits beyond seven years, see 8 U.S.C. §§ 1612(b)(2)(E) (certain Indians), (F) (receiving SSI). See also 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹⁰⁵ 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*, note 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 8 U.S.C. § 1641(c)(4); see also VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.312, *Citizenship and Alien Requirements*, (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹⁰⁶ 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1); see also VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313(B), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 2*, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹⁰⁷ See 8 U.S.C. 1612(b)(2)(C) (Medicaid eligibility based on a military connection refers to a qualified immigrant who is on active duty or honorably discharged with minimum service requirements, the spouse or unmarried dependent child of such veteran or service member, or the un-remarried surviving spouse of the deceased veteran or service member); see also 8 U.S.C. § 1613(b)(2) (no five-year bar for immigrants with military connection); 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/; VA DEP'T OF MED. ASSISTANCE SERVS., *Veteran & Active Duty Military Aliens* in VA MED. ASSISTANCE ELIGIBILITY MANUAL Ch. M0220.311 (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹⁰⁸ 12 Va. Admin. Code 30-40-10(3)(e); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.314(B)(1), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States* in *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27* (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.¹⁰⁹ VA DEP'T OF SOC. SERVS., *Chapter 4: Refugee Medical Assistance (RMA) Program* in VIRGINIA REFUGEE RESETTLEMENT PROGRAM MANUAL (April 2016), https://dss.virginia.gov/files/division/cvs/rr/manual/sections/Chapter_04_Refugee_Medical_Assistance_Program.pdf.

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

¹¹¹ 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/; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, *CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1* (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b).

¹¹² 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/.

¹¹³ 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* note 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b); 12 Va. Admin. Code 30-40-10(3)(b)(2)(f); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.313(A)(5), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹¹⁴ 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1); see also VIRGINIA MEDICAID, *Information for Noncitizens, New Health Coverage for Green Card Holders* available at <https://www.dmas.virginia.gov/for-applicants/information-for-noncitizens/>. (last visited Aug. 24, 2022); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313(B), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs* in *GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 2*, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹¹⁵ See 8 U.S.C. 1612(b)(2)(C) (Medicaid eligibility based on a military connection refers to a qualified immigrant who is on active duty or honorably discharged with minimum service requirements, the spouse or unmarried dependent child of such veteran or service member, or the un-remarried surviving spouse of the deceased veteran or service member); see also 8 U.S.C. § 1613(b)(2) (no five-year bar for immigrants with military connection); 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/; VA DEP'T OF MED. ASSISTANCE SERVS., *Veteran & Active Duty Military Aliens* in VA MED. ASSISTANCE ELIGIBILITY MANUAL Ch. M0220.311 (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹¹⁶ 12 Va. Admin. Code 30-40-10(3)(e); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.314, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27* (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

¹¹⁷ 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/.

¹¹⁸ 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/.

¹¹⁹ 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1); *see also* 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 2*, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²⁰ *See* 8 U.S.C. 1612(b)(2)(C) (Medicaid eligibility based on a military connection refers to a qualified immigrant who is on active duty or honorably discharged with minimum service requirements, the spouse or unmarried dependent child of such veteran or service member, or the un-remarried surviving spouse of the deceased veteran or service member); *see also* 8 U.S.C. § 1613(b)(2) (no five-year bar for immigrants with military connection); 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/; VA DEP'T OF MED. ASSISTANCE SERVS., *Veteran & Active Duty Military Aliens in VA MED. ASSISTANCE ELIGIBILITY MANUAL Ch. M0220.311* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹²¹ 12 Va. Admin. Code 30-40-10(e)(7); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.314(B)(7), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27* (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

¹²² 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/.

¹²³ 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.312, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; 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*, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²⁴ 8 U.S.C. §§ 1612(b)(2)(B); 1613; 1641(b)(1); *see also* 12 Va. Admin. Code 30-40-10(3); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel Ch. M0220.313, *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 2*, footnote 7 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

¹²⁵ *See* 8 U.S.C. 1612(b)(2)(C) (Medicaid eligibility based on a military connection refers to a qualified immigrant who is on active duty or honorably discharged with minimum service requirements, the spouse or unmarried dependent child of such veteran or service member, or the un-remarried surviving spouse of the deceased veteran or service member); *see also* 8 U.S.C. § 1613(b)(2) (no five-year bar for immigrants with military connection); 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/; VA DEP'T OF MED. ASSISTANCE SERVS., *Veteran & Active Duty Military Aliens in VA MED. ASSISTANCE ELIGIBILITY MANUAL Ch. M0220.311* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>.

¹²⁶ 12 Va. Admin. Code 30-40-10(e); VA. DEP'T OF MED. ASSISTANCE. SERVS., Med. Asst. Eligibility Manuel, Ch. M0220.314(B)(4)(f), *Citizenship and Alien Requirements* (rev'd July 2022), <https://www.dmas.virginia.gov/media/4830/m02-7-2022.pdf>; NAT'L IMMIGR. L. CTR., *Table: Medical Assistance Programs for Immigrants in Various States in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 122-23, 126-27* (4th ed. 2002, table rev. Jan. 2018), <https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf>.

¹²⁷ 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/.

¹²⁸ 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/.

¹²⁹Victims of Crime Act (VOCA) compensation for crime victims is a program providing services necessary to protect health and safety of crime victims that helps victims heal and overcome the emotional and financial impact of crime victimization on their lives. VOCA compensation is separate from and does not fall within the definitions of “federal public benefit” or “state public benefit” under U.S. public benefits laws and thus is open to all crime victims without regard to immigration status. *See*, Joye E. Frost, Office for Victims of Crime, U.S. Department of Justice, Letter to Cassie T Jones Alabama Crime Victims' Compensation Commission (July 2, 2010) available at <https://niwaplibrary.wcl.american.edu/pubs/ojp-ovc-letter-on-access-to-voca-victim-compensation-7-2-2010>; For an overview of what types of victim compensation are covered by VOCA compensation programs in each state *see*, Leslye Orloff, Katelyn Deibler and Annie Roebuck, *Post-Assault Healthcare and Victims of Crime Act Coverage for Domestic and Sexual Violence Victims* (July 18, 2018) available at: <https://niwaplibrary.wcl.american.edu/pubs/post-assault-coverage-chart>; and : Sarah Andrews, Vanessa Brown, Aurora de Heer, Joseph Leonard, Ryan Lighty, Katherine O'Keefe, Celia Soehner, William Springer, Josh Sterling, Linda Way-Smith, Beau Yanoshik, Morgan Lewis and

Bockius, LLP and NIWAP, *Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence – Medical Coverage and Services for Immigrants* (July 13, 2018) available at <https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation> (contains a more detailed discussion of VOCA compensation available in each state with links and citations).

¹³⁰ U.S. DEP'T OF LABOR, WAGE & HOUR DIVISION, *Family Medical Leave Act*, available at <https://www.dol.gov/agencies/whd/fmla> (last visited September 1, 2022) (Provides up-to-date guidance, fact sheets, forms, interpretive guidance, laws, regulations and training tools).

¹³¹ See generally OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf> (The information in this section applies to all student financial aid including grants and loans.).

¹³² OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>; Daniel T. Madzellan, OFFICE OF POST-SECONDARY EDUC., U.S. DEP'T OF EDUC., ELIGIBILITY FOR TITLE IV AID FOR "BATTERED IMMIGRANTS-QUALIFIED ALIENS" AS PROVIDED FOR IN THE VIOLENCE AGAINST WOMEN ACT (2007), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-memovawapetitionsgrantsloans-6-4-10/>. See 8 U.S.C. § 1641(c); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33, 1-34 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

¹³³ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-29 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

¹³⁴ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 22 U.S.C. § 7105(b); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FEDERAL STUDENT AID HANDBOOK 2016-2017 1-33 (2016), <https://ifap.ed.gov/fsahandbook/attachments/1617FSAHbkActiveIndexMaster.pdf>.

¹³⁵ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>.

¹³⁶ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

¹³⁷ OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., MANY NON-U.S. CITIZENS QUALIFY FOR FEDERAL STUDENT AID (last visited Mar. 5, 2018), <https://studentaid.ed.gov/sa/eligibility/non-us-citizens>. See 8 U.S.C. § 1641(b)(1).

¹³⁸ *Plyler v. Doe* 457 U.S. 202 (1982); U.S. DEPARTMENT OF EDUCATION, STUDENTS, IMMIGRATION STATUS, AND THE RIGHT TO PUBLIC EDUCATION (JUNE 20, 2021) <https://blog.ed.gov/2021/07/students-immigration-status-and-the-right-to-public-education/>.

¹³⁹ U.S. Immigration and Customs Enforcement, Memo: Undocumented Students Authorized to Enroll in Post-Secondary Educational Institutions (July 24, 2008) <https://niwaplibrary.wcl.american.edu/pubs/pb-gov-dhsundocstudentpost2ndeduaccess-7-24-08>. This law applies to all states except those that have implemented state laws or policies that limit or deny enrollment in public colleges or universities which are Alabama, Georgia and South Carolina. (Current as of July 2021). See, *NAT'L IMMIGRATION LAW CTR., Current State Laws and Policies on Access to Higher Education for Immigrants (July 2021)* <https://www.nilc.org/issues/education/eduaccessstoolkit/eduaccessstoolkit2/#maps>.

¹⁴⁰ UVA Announces That All Students, Regardless Of Citizenship Status, Are Eligible To Enroll (June 16, 2020), <https://news.virginia.edu/content/uva-announces-all-students-regardless-citizenship-status-are-eligible-enroll>

¹⁴¹ Virginia House Bill (H.B.) 1547 (Effective date July 1, 2020) <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+CHAP0766> (Last visited Aug. 24, 2022).

¹⁴² Virginia House Bill (H.B.) 1179 (Effective date April 6, 2020) <https://lis.virginia.gov/cgi-bin/legp604.exe?201+cab+SC10217HB1179+HB1REF> (Last visited Aug. 24, 2022).

¹⁴³ Virginia Senate Bill (S.B.) 1387 (effective Date August 1, 2022) <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0108> (Last visited Aug. 24, 2022).

¹⁴⁴ *DACA & Undocumented Student Resources*, UNIV. OF VA, *Multicultural Student Services*, <https://multicultural.virginia.edu/daca-undocumented-student-resources> (last visited June 4, 2018); see *Toolkit: Access to Postsecondary Education*, NAT'L IMMIGRATION LAW CTR. (Oct. 2017), <https://www.nilc.org/issues/education/eduaccessstoolkit2a/#tables>.

¹⁴⁵ SOC. SECURITY ADMIN., UNDERSTANDING SUPPLEMENTAL SECURITY INCOME SSI ELIGIBILITY REQUIREMENTS – 2017 EDITION (2017), <https://www.ssa.gov/ssi/text-eligibility-ussi.htm> (While the chart shows eligibility to apply for SSI benefits by immigration status, those with qualified immigration statuses must also meet all other eligibility requirements. To obtain SSI benefits individuals must be aged 65 or over, blind, or disabled; and have limited income, limited resources, be a resident of one of the 50 states, DC, or Northern Mariana Islands, and not be absent from the country for a full calendar month, in addition to other requirements.).

¹⁴⁶ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. §§ 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(c) (battered immigrant).

¹⁴⁷ See 8 U.S.C. § 1612(a)(2)(H).

¹⁴⁸ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

¹⁴⁹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(b)(1) (Due to the work requirement, few SIJS children will qualify, although work done by the applicant, parent or spouse counts toward the 40 quarters of work.).

¹⁵⁰ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017),

<https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.

¹⁵¹ See 22 U.S.C. § 7105(b).

¹⁵² NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. §§ 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(c)(4) (trafficking victims).

¹⁵³ See 8 U.S.C. § 1612(a)(2)(H).

¹⁵⁴ See 8 U.S.C. § 1641(c)(4).

¹⁵⁵ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 22 U.S.C. § 7105(b).

¹⁵⁶ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

¹⁵⁷ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. § 1641(b)(1) (Due to the work requirement, few SIJS children will qualify, although work done by the applicant, parent or spouse counts toward the 40 quarters of work.).

¹⁵⁸ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

¹⁵⁹ NAT'L IMMIGRATION LAW CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), <https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm>. See 8 U.S.C. §§ 1612(a)(2)(B) (LPR eligibility for SSI), 1612(a)(2)(E) (prior SSI), 1612(a)(2)(F) (current disability), 1641(b)(1) (LPR qualified immigrant status).

¹⁶⁰ See 8 U.S.C. § 1612(a)(2)(H).

¹⁶¹ *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

¹⁶² *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), <https://fas.org/sgp/crs/misc/RL33809.pdf>. In 2018, \$5,280 = 4 quarters of work credit. <https://www.ssa.gov/oact/cola/OC.html>.

¹⁶³ NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, ACCEPTABLE FORMS OF DOCUMENTATION AND IDENTIFICATION FOR STATE DRIVER'S LICENSE/IDENTIFICATION CARD (SEPTEMBER 5, 2014) 1 (2014), <http://library.niwap.org/wp-content/uploads/2015/Drivers-License-Access.pdf>.

¹⁶⁴ REAL ID Act of 2005, 49 U.S.C. § 30301 Note (2005). See also 6 C.F.R. § 37.11 (g) (2012); Joan Friedland, *Updates on REAL ID and Increased Information Sharing by Departments of Motor Vehicles*, NAT'L IMMIGRATION LAW CTR., (Jan. 8, 2018), <https://www.nilc.org/news/the-torch/1-04-18/>.

¹⁶⁵ See 6 C.F.R. § 37.11(g)(1) (2012).

¹⁶⁶ See *SAVE CaseCheck*, U.S. CITIZENSHIP & IMMGR. SERVS., <https://www.uscis.gov/save/casecheck> (last visited July 9, 2018). For special rules and step-by-step instructions for SAVE verification in cases of VAWA self-petitioners, see PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/> and Benish Anver, Alexandra Brown and Leslye E. Orloff, HOW TO ADVOCATE FOR PUBLIC AND ASSISTED HOUSING FOR YOUR BATTERED IMMIGRANT OR TRAFFICKING SURVIVOR CLIENT (2017) <http://niwaplibrary.wcl.american.edu/pubs/pub-asst-housing-advocacy>.

¹⁶⁷ See 6 C.F.R. § 37.11(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 2 (2010), <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/> (For example, the U.S. Department of Health and Human Services has identified categories of lawfully present immigrants for purposes of Medicaid and CHIP eligibility. These individuals should be able to access full Real ID compliant driver's licenses without waiting for work authorization. This may be an area for advocacy in individual cases).

¹⁶⁸ See 6 C.F.R. § 37.11(h) (2012); NAT'L IMMIGRATION LAW CTR., THE REAL ID ACT: QUESTIONS AND ANSWERS 8-9 (2016), <https://www.nilc.org/wp-content/uploads/2015/11/REAL-ID-Act-Q-and-A.pdf>.

¹⁶⁹ VA DEP'T OF MOTOR VEHICLES, *Issuance in OBTAINING A VIRGINIA'S LICENSE OR IDENTIFICATION (ID) CARD* (2017), <https://www.dmv.virginia.gov/webdoc/pdf/dmv141.pdf>.

¹⁷⁰ NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, ACCEPTABLE FORMS OF DOCUMENTATION AND IDENTIFICATION FOR STATE DRIVER'S LICENSE/IDENTIFICATION CARD (SEPTEMBER 5, 2014) 1 (2014), <http://niwaplibrary.wcl.american.edu/pubs/drivers-license-access/>.

¹⁷¹ VA DEP'T OF MOTOR VEHICLES, *Acceptable documents by Status* (Aug. 2011), https://www.dmv.virginia.gov/webdoc/pdf/accept_doc_status.pdf.

¹⁷² NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT, ACCEPTABLE FORMS OF DOCUMENTATION AND IDENTIFICATION FOR STATE DRIVER'S LICENSE/IDENTIFICATION CARD (SEPTEMBER 5, 2014) 1 (2014), <http://niwaplibrary.wcl.american.edu/pubs/drivers-license-access/>.

¹⁷³ Virginia Dep't of Motor Vehicles, *Washington College of Law*, http://www.dmv.virginia.gov/drivers/#driver_privilege_card.asp (last visited July 7, 2022).

¹⁷⁴ U.S. Dep’t of Justice, Dep’t of Health & Human Servs. & Dep’t of Hous. & Human Dev., Joint Letter on Immigrant Access to Shelter and Transitional Housing (Aug. 5, 2016), <http://niwaplibrary.wcl.american.edu/pubs/joint-letter-hud-hhs-ad-doj-immigrant-access-shelter-transitional-housing-aug-2016/> (stating that services must be in-kind, available regardless of income, and provided at the community level). See 8 U.S.C. § 1611(b)(1)(D).

¹⁷⁵ CATHERINE LONGVILLE & LESLYE E. ORLOFF, PROGRAMS OPEN TO IMMIGRANT VICTIMS AND TO ALL IMMIGRANTS WITHOUT REGARD TO IMMIGRATION STATUS 1 (2014), <http://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants/>; *Three Federal Agencies Issue Joint Letter on Shelters and Transitional Housing*, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Aug. 12, 2016), <http://niwaplibrary.wcl.american.edu/joint-agency-letter-shelters-transitional-housing/>.

¹⁷⁶ *Virginia Homelessness Solutions Program (VHSP)*, VA HOUSING & COMMUNITY DEVELOPMENT, <https://www.dhcd.virginia.gov/vhsp> (last visited Sept. 4, 2022).

¹⁷⁷ VA DEP’T OF HOUS. & CMTY. DEV., *Crisis Assistance Directory in HOUSING ASSISTANCE – NEED A HOMELESS OR DOMESTIC VIOLENCE SHELTER* (Aug. 2017), <http://www.dhcd.virginia.gov/images/Housing/Crisis-Assistance-Directory.pdf>.

¹⁷⁸ Immigrants including victims who are lawfully residing in the United States or its territories and possessions under section 141 of the Compacts of Free Association between the U.S. and the Governments of the Marshall Islands, the Federated States of Micronesia and Palau are eligible for public and assisted housing. HUD PUBLIC AND INDIAN HOUSING, *Eligibility Determination and Denial of Assistance*, Citizenship Status 10 (November 2019) available at: https://www.hud.gov/sites/dfiles/PIH/documents/HCV_Guidebook_Eligibility_Determination_and_Denial_of_Assistance.pdf (last visited Aug. 27, 2022) (However in Guam, such immigrants are not entitled to a preference in receiving housing assistance over a U.S. citizen or national resident who is otherwise eligible for such assistance).

¹⁷⁹ See generally *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (contains lists of housing programs that are unrestricted and lists of housing programs that various forms of immigration restrictions).

¹⁸⁰ For detailed information about Low Income Housing Tax Credit (LIHTC) funding housing eligibility and how to find LIHTC funded units in communities across the country see, VAWA Home: Rights for Survivors in LIHTC <https://www.vawahome.com/> (last visited February 10, 2022).

¹⁸¹ HUD public and assisted housing refers to HUD assisted housing covered by Section 214 of the Housing and Community Development Act of 1980, 42 U.S.C. § 1436a. See *Housing Act. Section 2.14*, <http://niwaplibrary.wcl.american.edu/pubs/housing-act-sec-214/> (last visited Mar. 9, 2018); DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>; TONYA ROBINSON, ACTING GENERAL COUNSEL, C., U.S. DEP’T OF HOUS. & URBAN DEV., MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>; U.S. DEP’T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions for verifying battered immigrant eligibility for multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5 (Nov. 17, 1997)). See also 8 U.S.C. § 1641(c).

¹⁸² USDA RURAL HOUSING SERVICE, Interim Rule, *Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs*, 69 Fed. Reg. 69032 (Nov. 26, 2004) (to be codified at 7 C.F.R. pt. 1806, 1822, 1902, 1925 (“Appendix 2 to the HUD Handbook 4350.3 is incorporated into internal Agency procedures.”)); USDA RURAL HOUSING SERVICE, Interim Final Rule, *Reinvention of the Sections 514, 515, 516 and 521 Multi-Family Housing Programs*, 70 Fed. Reg. 8503 (Feb. 22, 2005) (to be codified at 7 C.F.R. 3560) (deciding “to delay implementation of the sections listed below in order to harmonize its procedures with HUD under 42 U.S.C. 1436a”); DEP’T OF HOUS. & URBAN DEV., HUD HANDBOOK 4350.3: OCCUPANCY REQUIREMENTS OF SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS at Appendix 2-B (2013), <https://www.hud.gov/sites/documents/43503HSGH.PDF> (instructions on verifying battered immigrant eligibility for HUD multi-family programs) (referring to the *Interim Guidance on Verification of Citizenship, Qualified Alien Status, and Eligibility* Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 FR 61344 at Exhibit B to Attachment 5) (Nov. 17, 1997); DEP’T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>; MEMORANDUM FOR SECRETARY JULIAN CASTRO ON ELIGIBILITY OF BATTERED NONCITIZEN SELF-PETITIONERS FOR FINANCIAL ASSISTANCE UNDER SECTION 214 OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980 (2016), <http://library.niwap.org/wp-content/uploads/Eligibility-of-VAWA-Self-Petitioners-2016-12-14.pdf>. See also 8 U.S.C. § 1641(c).

¹⁸³ See 42 U.S.C. § 1485.

¹⁸⁴ *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). See 7 C.F.R. § 3560.11 (including immediate family member).

¹⁸⁵ See 7 C.F.R. § 3560.158(d); USDA MFH ASSET MANAGEMENT HANDBOOK HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; see also 8 U.S.C. §§ 1641(c).

¹⁸⁶ See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (“Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.”).

¹⁸⁷ See 42 U.S.C. § 1490(a); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.¹⁸⁸ See *Low-Income Housing Tax Credit American University, Washington College of Law BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu* (last accessed June 28, 2022).

25, 2018). The Virginia Housing Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved. *See, e.g.*, DEP'T OF HOUS. & URBAN DEV., PIH NOTICE 2017-02 (HA), VIOLENCE AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), <http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/>.

¹⁸⁹ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

¹⁹⁰ *See* 42 U.S.C. § 1485.

¹⁹¹ *See* 42 U.S.C. § 1490(a); *see also* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

¹⁹² *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident). *See* 7 C.F.R. § 3560.11 (including immediate family member).

¹⁹³ *See* 7 C.F.R. § 3560.158(d); USDA MFH ASSET MANAGEMENT HANDBOOK HB 2-3650, § 6.30(D) (stating that a remaining family member who is a co-tenant or member of the household, who has the legal capacity to sign the lease, and is a U.S. citizen or qualified immigrant, may remain in the housing after the original tenant has departed); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/; *see also* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

¹⁹⁴ *See* 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing).

¹⁹⁵ *See Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal subsidies, the housing units with this combination of funding would only be available to immigrants including refugees who could meet the eligibility requirements of the federal subsidies involved.

¹⁹⁶ *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

¹⁹⁷ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See also* 22 U.S.C. 7105(b); OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>.

¹⁹⁸ *See* OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>; 22 U.S.C. § 7105(b)(1)(B) (requirement to expand benefits and services); *see also* 22 U.S.C. 7105(b); 42 U.S.C. § 1485 (Section 515 Rural Housing); 42 U.S.C. § 1490(a) (Section 521 housing assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing). *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

¹⁹⁹ *See Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal 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.

²⁰⁰ *See* 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁰¹ May also be eligible for proration in HUD or USDA housing programs, or for federal housing assistance from other unrestricted programs. *See* 7 C.F.R. § 3560.11 (2012).

²⁰² *See Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal 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.

²⁰³ *See* 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: "IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING" (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²⁰⁴ 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).

²⁰⁵ *See* 8 U.S.C. § 1641(b)(1).

²⁰⁶ NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²⁰⁷ *See* 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. §§ 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

²⁰⁸ *See* 8 U.S.C. § 1641(b)(1) (2013).

²⁰⁹ See *Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal 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.

²¹⁰ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²¹¹ 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).

²¹² See 8 U.S.C. § 1641(b)(1).

²¹³ NAT’L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20* (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

²¹⁴ See 42 U.S.C. § 1490(a) (2011) (Section 521 rental assistance); 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (2010) (Sections 514 and 516 Farm Labor Housing); 42 U.S.C. § 1485 (2011) (Section 515 Rural Rental Housing).

²¹⁵ See 8 U.S.C. § 1641(b)(1) (2012).

²¹⁶ See *Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal subsidies, the housing units with this combination of funding would only be available to immigrants funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved. Prior to receipt of lawful permanent residency U visa applicants approved will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

²¹⁷ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²¹⁸ 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).

²¹⁹ See *Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal 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.

²²⁰ See 42 U.S.C. § 1485 (2011); *NHLP, Chart on Federally Assisted Housing and Immigrant Eligibility (Feb. 2017)*, reprinted in LIST OF SUPPORTING DOCUMENTS FOR THE WEBINAR: “IMMIGRANT ACCESS TO FEDERALLY ASSISTED HOUSING” (FEB. 22, 2017) at Attachment A (2017), www.niwaplibrary.wcl.american.edu/pubs/info-packet-webinar-immigrant-access-and-housing/.

²²¹ 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).

²²² See *Low-Income Housing Tax Credit Program*, VA HOUS. DEV. AUTH., <https://www.vhda.com/BusinessPartners/MFDevelopers/LIHTCProgram/Pages/LIHTCProgram.aspx#WzEy2FVKjcu> (last accessed June 25, 2018). The Virginia Housing Development Authority allocates the Low-Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federal, 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.

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

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

²²⁵ See <https://www.irs.gov/individuals/individual-taxpayer-identification-number> (IRS ITIN Information Page).

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

²²⁷ U.S. DEP’T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 3 (2017).

²²⁸ U.S. DEP’T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 2 (2017).

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

²³⁰ U.S. DEP’T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

²³¹ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP’T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

²³² U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

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

²³⁴ U.S. DEP’T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

²³⁵ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP’T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

²³⁶ U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

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

²³⁸ U.S. DEP’T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP’T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

²³⁹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

²⁴⁰ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

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

²⁴² U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

²⁴³ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

²⁴⁴ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

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

²⁴⁶ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

²⁴⁷ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31-32 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 7 (2017).

²⁴⁸ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

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

²⁵⁰ U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).

²⁵¹ U.S. DEP'T OF TREASURY, I.R.S., PUB. 596, EARNED INCOME CREDIT (EIC), at 4 (2017); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 31 (2017).

²⁵² *See* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families).

²⁵³ Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence. 45 C.F.R. § 1626.2(b) (1996). The definition of battering or extreme cruelty is identical to that in the immigration regulations. *See* 45 C.F.R. §§ 1626.4(a)(1)(i) (1996) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (1996) (parent of victim); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S 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).

²⁵⁴ 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)).

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

²⁵⁶ 45 C.F.R. § 1626.5(a).

²⁵⁷ 45 C.F.R. § 1626.5(b).

²⁵⁸ Upon applying for 45 C.F.R. § 1626.5(b) or receiving lawful permanent residency 45 C.F.R. § 1626.5(a) victim switch eligibility tracks from anti-abuse (which includes a restriction that the legal assistance be related to the abuse 45 C.F.R. § 1626.4 to immigration related eligibility under for 45 C.F.R. § 1626.5 under which applicants are eligible of any legal assistance offered by the LSC funded agency. *See* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S 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-accesspubliclyfundedlls/>.

²⁵⁹ 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.”)

²⁶⁰ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

²⁶¹ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

²⁶² See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

²⁶³ See 45 C.F.R. § 1626.5(c).

²⁶⁴ See 45 C.F.R. § 1626.4(a)(1)(i) (trafficking victim); 45 C.F.R. §§ 1626.4 (a)(1)(ii) (parent of trafficking victim); 45 C.F.R. § 1626.2(k)(2) (A “victim of trafficking” under the anti-abuse regulation is a victim of any conduct included in the definition of “trafficking” under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services (HHS)); 45 C.F.R. § 1626.4(c)(2)(ii) (stating that to qualify for legal assistance by an LSC funded agency, the trafficking must have occurred in the U.S. or violate U.S. law, 45 C.F.R. § 1626.4(c)(1), and the trafficking victim must be present in the U.S. at the time of the application for legal assistance).

²⁶⁵ See 45 C.F.R. § 1626.4(a)(2).

²⁶⁶ OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, <https://www.justice.gov/ovw/page/file/1020436/download> (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).

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²⁶⁸ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

²⁶⁹ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

²⁷⁰ See 45 C.F.R. § 1626.4(a)(2)(i)(A) (HHS certified victim); 45 C.F.R. § 1626.4(a)(2)(ii) (seeking certification); 45 C.F.R. § 1626.2(j) (“Victim of severe forms of trafficking” means any person described at 22 U.S.C. § 7105(b)(1)(C), with the inclusion of those still seeking HHS certification.); 45 C.F.R. § 1626.4(c)(1) (stating that to qualify for legal assistance by an LSC funded agency, the victim must be present in the U.S. at the time of the application for legal assistance, 45 C.F.R. § 1626.4(c)(2)(ii), and the trafficking must have occurred in the U.S. or violated U.S. law).

²⁷¹ 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).

²⁷² 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.”).

²⁷³ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

²⁷⁴ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

²⁷⁵ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

²⁷⁶ See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes); Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil*

Protection Order and Family Law Cases, NAT'L IMMIGRANT WOMEN'S 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).

²⁷⁷ 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.).

²⁷⁸ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

²⁷⁹ Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions). 45 C.F.R. § 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundedls/>.

²⁸⁰ 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.").

²⁸¹ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

²⁸² Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

²⁸³ See, e.g. Office on Violence Against Women, U.S. Dep't of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

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

²⁸⁵ 45 C.F.R. § 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(k) ("Victim of sexual assault or trafficking" means a victim of sexual assault subjected to any conduct included in the definition of sexual assault in VAWA, 42 U.S.C. 13925(a)(29), or a victim of trafficking subjected to any conduct included in the definition of "trafficking" under law, including, but not limited to, local, state, and federal law, and T visa holders regardless of certification from the U.S. Department of Health and Human Services.).

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

²⁸⁷ See 45 C.F.R. 1626.5(n).
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²⁸⁸ See 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Nov. 3, 2014), <http://niwaplibrary.wcl.american.edu/pubs/and-legal-services-for-all/>; Catherine Longville, Henrissa Bassey & Leslye E. Orloff, *Guide: Access to Publicly Funded Legal Services for Immigrant Survivors*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (NIWAP), (Oct. 1, 2014), <http://niwaplibrary.wcl.american.edu/pubs/lsc-tool-accesspubliclyfundeddls/>.

²⁸⁹ OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, <https://www.justice.gov/ovw/page/file/1020436/download> (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).

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²⁹¹ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

²⁹² See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

²⁹³ 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).

²⁹⁴ 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).

²⁹⁵ “Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions).” 45 C.F.R. 1626.4 (b); see also Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S 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-accesspubliclyfundeddls/>.

²⁹⁶ See 45 C.F.R. § 1626.5(a).

²⁹⁷ See 45 C.F.R. § 1626.5(b); Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/; Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S 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-accesspubliclyfundeddls/>.

²⁹⁸ OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP'T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, <https://www.justice.gov/ovw/page/file/1020436/download> (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).

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³⁰¹ See, e.g., Office on Violence Against Women, U.S. Dep't of Justice, OVW FY 2017 Legal Assistance for Victims (LAV) Grant Program Solicitation (2017),

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

³⁰² See 45 C.F.R. § 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(I)-(a)(15)(U)(iii) (stating that to qualify for a U visa, the victim must have suffered substantial physical or mental abuse as a result of having been a victim of one or more of the following, or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; stalking; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; fraud in foreign labor contracting (as defined in section 1351 of title 18); or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes).

³⁰³ 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).

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

³⁰⁵ OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, <https://www.justice.gov/ovw/page/file/1020436/download> (“The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).

³⁰⁶ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-1-106-386-10-28-00/>.

³⁰⁷ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³⁰⁸ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017),

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

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

³¹⁰ 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.).

³¹¹ The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.4(c).

³¹² See also 45 C.F.R. 1626.4(b) (“Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil

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

³¹³ 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.”).

³¹⁴ Violence Against Women Reauthorization Act of 2000 § 1512, 34 U.S.C. § 10441 (2017) (originally codified at 42 U.S.C. § 3796gg (2000)); Victims of Trafficking and Violence Protection Act of 2000, tit. II, § 1201(a), Pub. L. 106-386, 114 Stat. 1464 (2000) [hereinafter VAWA 2000], <http://niwaplibrary.wcl.american.edu/pubs/vawa-gov-vawa-2000-pub-l-106-386-10-28-00/>.

³¹⁵ Violence Against Women and Department of Justice Reauthorization Act of 2005 § 103, Pub. L. 109-162, 119 Stat. 2960 (2006) (codified at 34 U.S.C. § 10441 (2017)) (originally codified at 42 U.S.C. § 3796gg (2000)) [hereinafter VAWA 2005], <http://niwaplibrary.wcl.american.edu/pubs/senate-judicial-hearing-july-19-2005-1/>.

³¹⁶ See, e.g., OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, OVW FY 2017 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), <https://www.justice.gov/ovw/page/file/922496/download> (listing representation of child sexual assault victims under age of 11 as out-of-scope for Legal Assistance for Victims grant funded programs).

³¹⁷ NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³¹⁸ NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. § 1641(c).

³¹⁹ See DEP’T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP’T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³²⁰ See VA DEP’T OF SOC. SERVS., *Energy Assistance Manual*, vol. 9, ch. B at pg. 8, http://www.dss.virginia.gov/files/division/bp/ea/intro_page/manual/Complete_Manual.pdf. The Virginia Energy Assistance Program has three components: Fuel Assistance for home heating costs, Crisis Assistance for heating emergencies to assist with security deposits, heating bills, and heating equipment repair, and Cooling Assistance to assist with A/C needs. VA DEP’T OF SOC. SERVS., *Commonwealth of Virginia Department of Social Services Energy Assistance Program Fact Sheet* (Oct. 2017), http://www.dss.virginia.gov/files/division/bp/ea/intro_page/publications/EAP_Fact_Sheet_english.pdf.

³²¹ NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³²² NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. §§ 1641(b)(2), (b)(3), (c)(4).

³²³ See DEP’T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP’T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³²⁴ See VA DEP’T OF SOC. SERVS., *Energy Assistance Manual*, vol. 9, ch. B at pg. 8, http://www.dss.virginia.gov/files/division/bp/ea/intro_page/manual/Complete_Manual.pdf. The Virginia Energy Assistance Program has three components: Fuel Assistance for home heating costs, Crisis Assistance for heating emergencies to assist with security deposits, heating bills, and heating equipment repair, and Cooling Assistance to assist with A/C needs. VA DEP’T OF SOC. SERVS., *Commonwealth of Virginia Department of Social Services Energy Assistance Program Fact Sheet* (Oct. 2017), http://www.dss.virginia.gov/files/division/bp/ea/intro_page/publications/EAP_Fact_Sheet_english.pdf.

³²⁵ NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³²⁶ NAT’L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf; OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP’T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

³²⁷ See DEP’T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP’T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³²⁸ See VA DEP'T OF SOC. SERVS., *Energy Assistance Manual*, vol. 9, ch. B at pg. 8, http://www.dss.virginia.gov/files/division/bp/ea/intro_page/manual/Complete_Manual.pdf. The Virginia Energy Assistance Program has three components: Fuel Assistance for home heating costs, Crisis Assistance for heating emergencies to assist with security deposits, heating bills, and heating equipment repair, and Cooling Assistance to assist with A/C needs. VA DEP'T OF SOC. SERVS., *Commonwealth of Virginia Department of Social Services Energy Assistance Program Fact Sheet* (Oct. 2017), http://www.dss.virginia.gov/files/division/bp/ea/intro_page/publications/EAP_Fact_Sheet_english.pdf.

³²⁹ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³³⁰ See DEP'T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP'T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³³¹ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³³² NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. § 1640(b)(1).

³³³ See DEP'T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP'T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³³⁴ See VA DEP'T OF SOC. SERVS., *Energy Assistance Manual*, vol. 9, ch. B at pg. 8, http://www.dss.virginia.gov/files/division/bp/ea/intro_page/manual/Complete_Manual.pdf. The Virginia Energy Assistance Program has three components: Fuel Assistance for home heating costs, Crisis Assistance for heating emergencies to assist with security deposits, heating bills, and heating equipment repair, and Cooling Assistance to assist with A/C needs. VA DEP'T OF SOC. SERVS., *Commonwealth of Virginia Department of Social Services Energy Assistance Program Fact Sheet* (Oct. 2017), http://www.dss.virginia.gov/files/division/bp/ea/intro_page/publications/EAP_Fact_Sheet_english.pdf.

³³⁵ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³³⁶ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. See 8 U.S.C. § 1641(b)(1).

³³⁷ See DEP'T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP'T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³³⁸ See VA DEP'T OF SOC. SERVS., *Energy Assistance Manual*, vol. 9, ch. B at pg. 8, http://www.dss.virginia.gov/files/division/bp/ea/intro_page/manual/Complete_Manual.pdf. The Virginia Energy Assistance Program has three components: Fuel Assistance for home heating costs, Crisis Assistance for heating emergencies to assist with security deposits, heating bills, and heating equipment repair, and Cooling Assistance to assist with A/C needs. VA DEP'T OF SOC. SERVS., *Commonwealth of Virginia Department of Social Services Energy Assistance Program Fact Sheet* (Oct. 2017), http://www.dss.virginia.gov/files/division/bp/ea/intro_page/publications/EAP_Fact_Sheet_english.pdf.

³³⁹ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³⁴⁰ See DEP'T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP'T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³⁴¹ NAT'L IMMIGRATION LAW CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51* (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³⁴² See DEP'T OF HOUS. & COMM. DEV., <http://www.dhcd.virginia.gov/index.php/housing-programs-and-assistance/73-weatherization.html>; VA WEATHERIZATION ASSISTANCE PROGRAM, *Operations Manual* (April 2018, at 2), http://www.dhcd.virginia.gov/images/Housing/WAP/WAP_Operations_Manual_2018.pdf; DEP'T OF HOUS. & COMM. DEV., *Weatherization Assistance Program Providers in Virginia in WEATHERIZATION ASSISTANCE PROGRAM GUIDE* (2017), <http://www.dhcd.virginia.gov/images/Housing/WAP/Weatherization-Provider-List.pdf>.

³⁴³ 42 U.S.C. § 5121; See American Red Cross and the Nat'l Council of La Raza, and NAT'L IMMIGRATION LAW CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.

³⁴⁴ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 152 A-6-6 (4th ed. 2002, rev. May 2006)*, https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.

³⁴⁵ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>; U.S. DEP'T AGRIC. FOOD & NUTRITION SERV., DISASTER SNAP GUIDANCE: POLICY GUIDANCE, LESSONS LEARNED, AND TOOLKITS TO OPERATE A SUCCESSFUL D-SNAP (2014), https://fns-prod.azureedge.net/sites/default/files/D-SNAP_handbook_0.pdf.

³⁴⁶ See American Red Cross and the Nat'l Council of La Raza, and NAT'L IMMIGRATION LAW CTR., *Fact Sheet: Immigrant Eligibility for Disaster Assistance* (June 2007), <https://www.nilc.org/issues/economic-support/immigrant-eligibility-disaster-assistance/>.

³⁴⁷ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). See 8 U.S.C. § 1641(c).

³⁴⁸ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(c).

³⁴⁹ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). See 8 U.S.C. §§ 1641(b)(2)-(b)(3), (c)(4).

³⁵⁰ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. §§ 1641(b)(2)-(b)(3).

³⁵¹ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(c)(4).

³⁵² NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 22 U.S.C. §§ 7105(b).

³⁵³ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 22 U.S.C. §§ 7105(b).

³⁵⁴ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). See 8 U.S.C. § 1641(b)(1).

³⁵⁵ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).

³⁵⁶ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). See 8 U.S.C. § 1641(b)(1).

³⁵⁷ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).

³⁵⁸ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/> (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). See 8 U.S.C. § 1641(b)(1).

³⁵⁹ NAT'L IMMIGRATION LAW CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Oct. 2017), <https://www.nilc.org/issues/economic-support/disaster-help/>. See 8 U.S.C. § 1641(b)(1).

³⁶⁰ See FED. EMERGENCY MGMT. AGENCY, FEMA CITIZENSHIP/IMMIGRATION REQUIREMENTS (2015), <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159> (stating that undocumented individuals can apply on behalf of a minor US citizen child who has a social security card).

³⁶¹ To be eligible for unemployment insurance, each class of immigrant must have had prior work authorization and had to have been working with the authorization at the time they applied for unemployment. Work authorization must remain valid while they receive unemployment and if work authorization expires, then so does the eligibility for unemployment.

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

³⁶³ 8 U.S.C. § 1641(b)(3).

³⁶⁴ INA § 208(d)(2); 8 C.F.R. § 274a.12(c)(8); 8 C.F.R. §§ 274a.12(a)(5). 8 U.S.C. § 1641(b)(2).

³⁶⁵ 8 U.S.C. § 1641(c)(4).

³⁶⁶ 8 U.S.C. § 1641(c)(4).

³⁶⁷ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> ("The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.")

³⁶⁸ 8 U.S.C. § 1641(c)(4).
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³⁶⁹ 8 U.S.C. § 1641(b)(1).

³⁷⁰ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> ("The general rule is that workers must have valid work authorization during the base period, at the time that they apply for benefits, and throughout the period during which they are receiving benefits.").

³⁷¹ See Rebecca Smith, *Immigrant Workers' Eligibility for Unemployment Insurance*, NAT'L EMPLOYMENT LAW PROJECT (Mar. 31, 2020), <https://www.nelp.org/publication/immigrant-workers-eligibility-unemployment-insurance/> ("Under the current state and federal systems, undocumented workers are not eligible for unemployment benefits.").