# Access to State-Funded\(^{8}\) Public Benefits in West Virginia for Survivors, Based on Immigration Status\(^{9}\)

**By: Daniel Enos and Leslye E. Orloff\(^{10}\) (With Updates by Mary Ann McLean)**

May 22, 2019 (Updated March 27, 2024)

<table>
<thead>
<tr>
<th>Access to Benefits</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa,(^{2}) Afghans,(^{3}) Ukrainians(^{4})</th>
<th>T Visa(^{5})/ Continued Presence(^{6})</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^{7})</th>
<th>Special Immigrant Juvenile Status (SIJS)(^{8})</th>
<th>U Visa, bona fide, or wait list approval(^{9})</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TANF (Cash Assistance)</strong></td>
<td>VAWA: Eligible with prima facie determination, Refugee/Asylee: Eligible for TANF for Human trafficking victims eligible: with HHS Not eligible.(^{25}) Eligible after receiving lawful permanent Eligible after receiving lawful permanent residency, subject to No federal eligibility.(^{28}) Not eligible.(^{29})</td>
<td>HHIS Certification Lawfully Present Limited Benefits Eligibility(^{10})</td>
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\(^{1}\) Federally funded public benefits are in non-italicized typeface and *state-funded public benefits are italicized.*

\(^{2}\) 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.

\(^{3}\) © National Immigrant Women’s Advocacy Project, American University, Washington College of Law 2018. This publication was developed under grant number SJI-15-T-234 from the State Justice Institute. This project was supported by Grant No 15JOVW-21-GK-02208-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women. 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.

\(^{4}\) See 8 U.S.C. § 1641(a)-(c) (Qualified immigrants are: *lawful permanent residents (LPRs)* (For up-to-date details on LPR benefits eligibility see National Immigrant Law Center, Table 1, Overview of Immigrant Eligibility for Federal Programs (March 2023) https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/ and NIWAP’s Public Benefits Map https://niwaplibrary.wcl.american.edu/benefits-map); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), humanitarian parolee; Cuban/Haitian entrants; and certain battered immi


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National Immigrant Women’s Advocacy Project (NIWAP, pronounced *new-app*)
American University, Washington College of Law
4300 Nebraska Avenue NW · Washington, D.C. 20016
(o) 202.274.4457 · info@niwap.org · [http://niwaplibrary.wcl.american.edu/](http://niwaplibrary.wcl.american.edu/)
<table>
<thead>
<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>TANF</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa(^5/) Continued Presence(^6)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^7)</th>
<th>Special Immigrant Juvenile Status (SIJS)(^8)</th>
<th>U Visa, bona fide, or wait list approval(^9)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
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<td>Subject to five-year bar for those who arrived on or after August 22, 1996 (^{11}) (may be subject to deeming)(^{12})</td>
<td>5 years regardless of date of entry(^{17})</td>
<td>T visa(^{13}), 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(^{18})</td>
<td>Certification (based on continued presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18)(^{20})</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry(^{21})</td>
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<td>Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996 (^{13}) (may be subject to deeming)(^{14})</td>
<td>T visa holders or applicants with bona fide determination 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(^{19})</td>
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<td>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(^{22})</td>
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<td>Naturalized citizens: Eligible without restrictions(^{15})</td>
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<td>(^{1}) In WV, VAWA self-petitioners with prima facie determinations and lawful permanent residents who are battered immigrants are eligible for state-funded TANF without regard to date of entry(^{16})</td>
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<td>Child Care</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Afghans, Ukrainians</td>
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<td>Children with prima facie determination and child lawful permanent residents are qualified immigrants eligible for Child Care Development Fund (CCDF)-funded child care.</td>
<td>Children who are asylees or refugees are eligible for CCDF-funded child care. Eligible for TANF-funded child care for five years.</td>
<td>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.</td>
<td>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 (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
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<td>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.</td>
<td>Children who are T visa holders or applicants 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.</td>
<td>Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination.</td>
<td>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 (3) Eligibility for child care services is determined by a nonprofit charitable organization.</td>
<td>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.</td>
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<td>Eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.</td>
<td>Eligible for TANF-funded child care subject to five-year bar for those who</td>
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<td><strong>SNAP (Food Stamps)(^{49})</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly, (if lawfully residing in the U.S. on 8/22/96 disabled, or if Lawful Permanent Resident</td>
<td>Refugee/Asylee: Eligible with no time limitations.(^{52}) T visa: 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).(^{53}) Also eligible under the Trafficking</td>
<td>Human trafficking victims are eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).(^{55})</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency, subject to an additional condition, e.g.: under 18, five years residency, five years residency, under 18, 40 qualifying work quarters, elderly, or disabled.(^{68})</td>
<td>Not eligible.</td>
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<td>SNAP</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
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<td>with 40 quarters of work credit.(^{50})</td>
<td>Victims Protection Act to the same extent as refugees.(^{34})</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.(^{56})</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with no additional conditions.(^{57})</td>
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<td>Naturalized citizens: Eligible without restrictions.(^{51})</td>
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The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status or naturalized citizenship.\(^{69}\) 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.\(^{70}\) 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).\(^{71}\)

<table>
<thead>
<tr>
<th>Health Care Exchanges</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa(^6)/ Continued Presence(^6)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^7)</th>
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<td>lawful permanent resident,(^75) or naturalized citizen.(^76)</td>
<td>granted work authorization; applicants under 14 eligible if application pending at least 180 days.(^78)</td>
<td>(based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18).(^80)</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.(^81)</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.(^82)</td>
<td>Eligibility for emergency Medicaid regardless of immigration status.(^101)</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.(^102)</td>
<td>Eligible for emergency Medicaid regardless of immigration status.(^108)</td>
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<td>Child Health Insurance Program (CHIP)(^89)</td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.(^73)</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination on a T visa application) or eligibility</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.(^102)</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.(^104) If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.(^105)</td>
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<td>Status</td>
<td>Eligibility Criteria</td>
<td>CHIP</td>
<td>Full-Scope Medicaid</td>
<td>U Visa Applicants</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>on or after August 22, 1996. 90 Naturalized citizens eligible. 91 In West Virginia, lawfully present children and pregnant children (including VAWA self-petitioners, children included in VAWA self-petitions, and all lawful permanent residents) are eligible for medical assistance. 92</td>
<td>Eligible with VAWA prima facie determination or lawful permanent Refugee/Asylee: Eligible for seven years from date of Human trafficking victims are eligible to the same extent as refugees and are Eligible for emergency Medicaid regardless of Eligible for emergency Medicaid regardless of Eligible for emergency Medicaid regardless of immigration status. 128</td>
<td>Eligible for emergency Medicaid regardless of Eligible for emergency Medicaid regardless of Eligible for emergency Medicaid regardless of</td>
<td>Eligible for emergency Medicaid regardless of immigration status. 128</td>
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<td>Full-Scope Medicaid</td>
<td>residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.(^{111}) Naturalized citizens eligible.(^{112}) Eligible for emergency Medicaid regardless of immigration or citizenship status.(^{113}) In West Virginia, VAWA self-petitioners with prima facie determinations are eligible for medical assistance without regard to their date of entry.(^{114}) In West Virginia, lawfully present persons (including VAWA self-petitioners with prima facie determination and lawful permanent residents) are</td>
<td>entry exempt from five-year bar.(^{116}) T visa: with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees for seven years.(^{117}) T visa holders and T visa applicants with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.(^{118}) In West Virginia, lawfully present persons (including refugees, asylees and T visa applicants with bona fide determinations) are eligible for medical assistance while pregnant.(^{119})</td>
<td>exempt from the five-year bar with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).(^{120}) Family members with T visa status eligible without HHS Certification or eligibility determination.(^{121}) Eligible for emergency Medicaid regardless of immigration status.(^{122}) In West Virginia, lawfully present persons (including SIJS applicants) are eligible for medical assistance while pregnant.(^{127})</td>
<td>immigration status.(^{124}) of immigration status.(^{125}) Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.(^{126}) In West Virginia, lawfully present persons (including U visa holders and U visa applicants with deferred action based on a bona fide determination or wait-list approvals) are eligible for medical assistance while pregnant.(^{132})</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.(^{129}) If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar.(^{130}) In West Virginia, lawfully present persons (including U visa holders and U visa applicants with deferred action based on a prima facie determination or wait-list approvals) are eligible for medical assistance while pregnant.(^{131})</td>
<td>immigration status.(^{133}) immigration status.(^{134})</td>
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<td>Medicaid</td>
<td>eligible for medical assistance while pregnant.115</td>
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<td>Victims of Crime Act (VOCA) Compensation</td>
<td>The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.135</td>
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<td>Family Medical Leave Act – State Law</td>
<td>West Virginia has no state Family Medical Leave Act (FMLA). Federal FMLA law applies.136</td>
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<td>Education-Federal Benefits: Federal Student Aid, Grants and Loans FAFSA</td>
<td>VAWAs with prima facie determinations and all lawful permanent residents, eligible.138</td>
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<td>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid.140</td>
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<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid.141</td>
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<td>Not eligible for federal student aid.142</td>
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<td>Eligible for federal student aid upon receipt of lawful permanent residency.143</td>
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<td>Not eligible for federal student aid.144</td>
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<td>Not eligible for federal student aid.145</td>
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<td>Education-State Law</td>
<td>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.146 Eligible to apply for and enroll in state funded colleges and universities without regard to immigration status.146</td>
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<td>In West Virginia, immigrant students domiciled in the state are eligible for in-state tuition and access to institutional aid and scholarships if they are lawful permanent residents, asylees, refugees, U &amp; T visa holders, or immigrants with pending applications for lawful permanent residency (including VAWA self-petitioners, and SIJS recipient children).147</td>
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<td>Refugee, Asylee, T Visa, Afghans, Ukrainians</td>
<td>T Visa⁵/ Continued Presence⁶</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
<td>Special Immigrant Juvenile Status (SIJS)⁸</td>
<td>U Visa, bona fide, or wait list approval.⁹</td>
<td>U Visa Applicants</td>
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<td><strong>Supplemental Security Income (SSI)¹⁴⁸</strong></td>
<td>Eligible with VAWA prima facie determination or lawful permanent residence if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled. May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979.</td>
<td>Refugees/Asylees; In WV, Eligible with a seven-year limit.</td>
<td>Trafficking victims: Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.</td>
<td>Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees.</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work, subject to five-year bar for those who arrived on or after August 22, 1996; or if receiving SSI as of August 22, 1996; or if lawfully residing in U.S. as of that date and now disabled. Lawful permanent residents may also be eligible if currently receiving SSI based on an application filed before 1979.</td>
<td>Not eligible.¹⁶⁵</td>
<td>Not eligible.¹⁶⁶</td>
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<td><strong>Driver’s License¹⁶⁷</strong></td>
<td>Under the REAL ID Act, evidence of “lawful status” or naturalized citizenship is required for a driver’s license to be accepted by a federal agency for official purposes. The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status. All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.). DHS will also approve acceptance of other documentation issued by DHS or other</td>
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<td>Not eligible.</td>
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<td>Driver’s License</td>
<td>Professional &amp; Occupational Licenses</td>
<td>Housing, Health, and Other Services Necessary to Protect Life or Safety</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugees, Asylees, T Visa, Afghans, Ukrainians</td>
<td>Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status or naturalized citizenship and may not withhold those services based on immigration status. 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.</td>
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<td>Federal agencies demonstrating lawful status, as determined by USCIS. In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”</td>
<td>Two forms showing West Virginia residency</td>
<td>In West Virginia, Department of Economic Development 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. West Virginia’s Office of Economic Opportunity provides emergency shelter, transitional housing and supportive services for homeless persons and persons at risk of becoming homeless.</td>
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<td>West Virginia requires the following documentation for issuance of a driver’s license. The following documentation is required:</td>
<td>Proof of legal status</td>
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<td>• Two forms showing West Virginia residency</td>
<td>• Accepted proof includes: I-551 Alien Registration Card, a valid Temporary I-551 stamp in a foreign passport (with English translation) or INS Form I-94, Valid re-entry permit Form I-327, I-94 with proper refugee or asylee marking, a visa issued by the United States (including U and T visas), Employment Authorization Document</td>
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<td>• Proof of Social Security number</td>
<td>• If ineligible, must provide documentation from the Social Security Administration for confirmation.</td>
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<td>Professional &amp; Occupational Licenses</td>
<td>West Virginia provides teaching certificates to immigrants with valid work authorization. No other state laws or policies regarding immigrant access to professional or occupational licenses including whether or not work authorization is sufficient or required.</td>
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<td>U Visa Applicants</td>
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<td>U Visa, bona fide, or wait list approval.</td>
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<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Aslee, T Visa, Afghan, Ukrainians</td>
<td>T Visa(^5)/ Continued Presence(^6)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^7)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^8)</td>
<td>U Visa, bona fide, or wait list approval.(^9)</td>
<td>U Visa Applicants</td>
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<td><strong>Public and Assisted Housing</strong> and Low-Income Housing Tax Credit (LIHTC) Housing(^{183})</td>
<td><strong>VAWA Self-Petitioners Eligible.</strong> Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility.(^{184}) USDA rental housing follows HUD procedures for processing VAWA self-petitions,(^{185}) 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)(^{186}) and USDA Section 514/516 Farm Labor Housing if immediate family member(^{199}) or remaining household member(^{200}) of eligible domestic farm laborer. Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.(^{201}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{202}) <strong>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),</strong>(^{203}) are eligible for: HUD public and assisted housing(^{204}) and USDA rental housing.(^{205}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{206})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)(^{207}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{208}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{209})</td>
<td>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}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{212})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)(^{213}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{214}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{215})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)(^{216}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{217}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{218})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)(^{219}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{220}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{221})</td>
<td>Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance)(^{222}) and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.(^{223}) <strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{224})</td>
<td><strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{225})</td>
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<tr>
<td>Public and Assisted Housing and LIHTC</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,(^1) Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa(^2), Afghans(^3), Ukrainians(^4)</td>
<td>T Visa(^5)/Continued Presence(^6)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^7)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^8)</td>
<td>U Visa, bona fide, or wait list approval(^9)</td>
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<td>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.(^1)(^8)</td>
<td>Lawful permanent residents are eligible for public and assisted housing(^1)(^8) and for USDA Section 514/516 Farm Lab or Housing;(^1)(^9) USDA Section 521 Rural Rental Assistance.(^1)(^9)</td>
<td>Naturalized citizens are eligible for public and assisted housing(^1)(^2) and for USDA Section 514/516 Farm Lab or Housing;(^1)(^3) USDA Section 521 Rural Rental Assistance.(^1)(^4)</td>
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<td>Public and Assisted Housing and LIHTC</td>
<td>VAWA Self-Petitioners, battered spouse waivers, lawful permanent residents, and naturalized citizens</td>
<td>Refugee, asylee, T visa, Afghans, Ukrainians</td>
<td>T Visa(^5)/ Continued Presence(^6)</td>
<td>Deferred Action for Childhood Arrivals (DACA)(^7)</td>
<td>Special Immigrant Juvenile Status (SIJS)(^8)</td>
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<td><strong>In West Virginia, may be eligible to live in Low Income Housing Tax Credit property.</strong>(^{195})</td>
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### Income Tax Credits

**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.\(^{230}\) A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).\(^{231}\) Immigrants eligible to receive social security numbers include naturalized citizens, lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations, and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.\(^{232}\)

**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—

- 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.\(^{233}\)

The child or dependent must have a social security number or ITIN.\(^{234}\) Immigrants eligible to receive social security numbers include naturalized citizens, lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.\(^{235}\)

### Earned Income Tax Credit (EITC)

**VAWA self-petitioners, lawful permanent residents, and naturalized citizens who**\(^{236}\) 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,\(^{237}\) have a Social Security number valid for work,\(^{238}\) and have earned income during the tax year\(^{243}\)

**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,\(^{245}\) have a Social Security number valid for work,\(^{246}\) and have earned income during the tax year\(^{243}\)

**DACA applicants who:** are granted work authorization, have lived in the U.S. for at least 183 days during the tax year,\(^{249}\) have a Social Security number valid for work,\(^{250}\) and have earned income during the tax year\(^{243}\)

**SIJS recipients granted lawful permanent residency who:** have lived in the U.S. at least 183 days during the tax year,\(^{253}\) have a Social Security number valid for work,\(^{254}\) and have earned income during the tax year\(^{255}\) are eligible

**Once granted lawful permanent residency**\(^{2}\) 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, who have a Social Security number valid for work, and who are earning income.

**Not eligible.**

**Not eligible.**
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<tr>
<th>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa, Afghans, Ukrainians</th>
<th>T Visa$^5$/ Continued Presence$^6$</th>
<th>Deferred Action for Childhood Arrivals (DACA)$^7$</th>
<th>Special Immigrant Juvenile Status (SIJS)$^8$</th>
<th>U Visa, bona fide, or wait list approval.$^9$</th>
<th>U Visa Applicants</th>
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<td>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).$^{240}$</td>
<td>earned income tax credit (EITC).$^{244}$</td>
<td>earned income during the tax year$^{247}$ are eligible for the earned income tax credit (EITC).$^{248}$</td>
<td>earned income during the tax year$^{251}$ are eligible for the earned income tax credit (EITC).$^{252}$</td>
<td>for the earned income tax credit (EITC).$^{256}$</td>
<td>are eligible for the earned income tax credit (EITC).$^8$</td>
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<td>An immigrant who (or whose child) is battered or subjected to extreme cruelty.$^{258}$ inside or outside of the United States$^{259}$ is eligible for legal assistance from Legal Services</td>
<td>Refugee/Asylee: Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles.$^{270}$</td>
<td>An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification.$^{277}$ and family members with (or applying for) T visa status.$^{278}$ are</td>
<td>A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty.$^{283}$ or is a victim of</td>
<td>Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty.$^{291}$ or sexual assault or trafficking in the U.S.$^{292}$ on matters related to the abuse.$^{293}$</td>
<td>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$^{300}$ is eligible for legal assistance from Legal</td>
<td>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$^{309}$ is eligible for legal assistance</td>
<td>An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty.$^{316}$ or is a victim of sexual assault or trafficking in the</td>
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<td>Legal Services</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers, Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa, Refugees, Asylees, T Visa, Continued Presence</td>
<td>Deferred Action for Childhood Arrivals (DACA)</td>
<td>Special Immigrant Juvenile Status (SIJS)</td>
<td>U Visa, bona fide, or wait list approval</td>
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<td>An immigrant who has been (or whose child has been) a victim of trafficking in the U.S., including a T visa holder, is eligible for legal assistance on any matter the LSC-funded agency handles.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
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<td>Eligible for Office of Violence Against Women funded Legal Assistance for victims of domestic violence, sexual assault, stalking or dating violence. Must be at least 11 years old.</td>
<td>U.S., is eligible for legal services from LSC-funded agencies on matters related to the abuse.</td>
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<td>Legal Services</td>
<td>VAWA Self-Petitioners, Battered Spouse Waivers,¹ Lawful Permanent Residents, and Naturalized Citizens</td>
<td>Refugee, Asylee, T Visa,² Afghans,³ Ukrainians ⁴</td>
<td>T Visa⁵/Continued Presence⁶</td>
<td>Deferred Action for Childhood Arrivals (DACA)⁷</td>
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<td>Legal Services</td>
<td>Women funded Legal Assistance²⁶⁶ as a victim of domestic violence, sexual assault, stalking²⁶⁷ or dating violence.²⁶⁸ Must be at least 11 years old.²⁶⁹</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵⁳</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
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<td>Weatherization Assistance Program (WAP) and Low-Income Home Energy Assistance Program (LIHEAP)</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
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<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.²⁵³</td>
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| Federal Emergency Management Agency (FEMA) Assistance | 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.338

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.339 |

| Federal Emergency Management Agency (FEMA)-Restricted Programs | Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship341:

- Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA): open to Refugees, Asylees, T visa applicants with prima facie (bona fide) determination.344

- Emergency SNAP open to Refugees/Asylees (no five-year bar),345 and T visa applicants with prima facie (bona fide) determination, subject to five-year bar, unless 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).347

- Not eligible. |

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).347

Not eligible. |

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).347

Not eligible. |

Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).351

Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).351

Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).351

Upon receiving lawful permanent residency: 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 |

Upon receiving lawful permanent residency: 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 |

Upon receiving lawful permanent residency: 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 |

Upon receiving lawful permanent residency: 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 |

Upon receiving lawful permanent residency: 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 |

Upon receiving unlawful permanent residency: Not eligible.355 |

Upon receiving unlawful permanent residency: Not eligible.355 |

Upon receiving unlawful permanent residency: Not eligible.355 |

Upon receiving unlawful permanent residency: Not eligible.355 |

Upon receiving unlawful permanent residency: Not eligible.355 |
<table>
<thead>
<tr>
<th>FEMA Restricted Programs</th>
<th>VAWA Self-Petitioners, Battered Spouse Waivers,(^1) Lawful Permanent Residents, and Naturalized Citizens</th>
<th>Refugee, Asylee, T Visa,(^2) Afghans,(^3) Ukrainians(^4)</th>
<th>T Visa(^5)/ Continued Presence(^6)</th>
<th>Deferred Action for Childhood Arrivals (DACA)(^7)</th>
<th>Special Immigrant Juvenile Status (SIJS)(^8)</th>
<th>U Visa, bona fide, or wait list approval(^9)</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 18, or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.(^{346})</td>
<td>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.(^{348})</td>
<td>earned by the individual, parents, or spouse; or lawfully residing on August 22, 1996 and either receiving disability-related benefits or born before Aug. 22, 1931.(^{350})</td>
<td>or born before Aug. 22, 1931.(^{352})</td>
<td>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.(^{354})</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.(^{357})</td>
<td>Refugee: Eligible for UI upon receipt of work authorization.(^{358}) Asylee: Eligible for UI upon grant receipt of work authorization.(^{359}) T Visa: Eligible for UI upon receipt of work authorization.(^{360})</td>
<td>Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization.(^{361})</td>
<td>Eligible for UI upon receipt of work authorization.(^{362})</td>
<td>Eligible for UI upon receipt of work authorization.(^{363})</td>
<td>Not eligible.(^{365})</td>
<td>Not eligible.(^{366})</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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


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 child immigrant survivors of abuse, abandonment, and/or neglect by a parent to obtain legal immigration status.).


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 deportation for 12 months. The exemption from deportation may be extended if the battered immigrant obtains an order from a judge or a ruling from a 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-


15 DEP’T OF HEALTH & HUM. SERV., Administration for Children and Families, Office of Family Assistance, Q & A: Immigrants (August 20, 2019), https://www.acf.hhs.gov/ofa/faq/q-immigrants. (Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)


17 Five year limit imposed on asylees, refugees, and human trafficking victims and other eligible immigrants. Battered spouses or children of U.S. citizens and lawful permanent residents including VAWA self-petitioners, VAWA cancellation or removal applicants, and Battered Spouse Waiver recipients have no 5 year limitation. WV DEP’T OF HEALTH AND HUMAN RESOURCES, WV Income Maintenance Manual, Chapter 18, Aliens, Refugees and Citizenship, B. WV Works 1. Eligible Alien available at https://www.wvdhhr.org/bcf/policy/imms/immmanualchanges/455/ch18_4.pdf (Last visited Aug 25, 2022); 8 U.S.C. §§ 1612(b)(2)(A)(i); 1613(b)(1). Federal eligibility for refugees and asylees extends for the first five years after attaining that status. However, if they have attained lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as an LPR 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. States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. 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_overview_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-ACP-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. 18 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_overview_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-ACP-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. In effect T visa holders and T visa applicants with bona fide determinations are eligible to the same extent as refugees for the first 5 years. After 5 years T visa holders qualify for continued access as qualified immigrants will have had that status for sufficient time to have met the 5 year bar if they entered the U.S. after August 22, 1996. 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_overview_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-ACP-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.
Applicants under age 18 require an HHS eligibility determination (not a certification). Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. See 22 U.S.C. § 7105(b).


Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. See 8 U.S.C. § 1631; DEP’T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, TANF-ACF-PI-2003-03 (Deeming of Sponsor’s Income and Resources To A Non-Citizen), (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-2003-2htm-0.

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.) See Catherine Longville and Leslie Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions, (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/.

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32 Administration for Children and Families, Office of Family Assistance, Q & A: Immigrants, DEP’T OF HEALTH & HUM. SERV (August 20, 2019),
https://www.acf.hhs.gov/ofa/faq/q-immigrants. (Q2: Does the five-year bar for certain newly arrived qualified aliens apply to all federally-funded TANF benefits (e.g., including benefits that do not meet the definition of assistance)? “A service that is only available to the financially needy would not meet the AG criteria and could be provided only to otherwise eligible citizens and qualified aliens.” TANF is such a program.)


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 test 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.)


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. SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they can show they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S.C. § 1631; Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility, U.S. Dep’t of Agric., Supplemental Nutrition Assistance Program, at 31-33, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).
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.).


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.).


78 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 PERSONS 3 (2010), http://niwlibrary.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.”).


90 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access to Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 23-25 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

97 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_overv_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). See also 8 U.S.C. § 1641(g)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.


See 8 U.S.C. § 1641(c).
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.


22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. Nat’l 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).


167 See 6 C.F.R. § 31.1(g)(1)(2012), see also § 31.1(g)(2) (2012); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDENT” CHILDREN AND PREGNANT PERSONS 2 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-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).


181 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).


183 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).


186 24 C.F.R. § 1436a(a)(1).


188 See 7 C.F.R. § 3560.158(d); USDA MH 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/ (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).

189 See 8 U.S.C. § 3560.158(d); USDA MH 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/ (stating that Section 514/516: Lessee (but not household) must be U.S. Citizen or lawful permanent resident.

190 See 24 C.F.R. § 1436a(a)(1).

191 See 8 U.S.C. § 1484(3)(A), 1484(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.”).


193 24 C.F.R. § 5.506(a)(1).


See Low-Income Housing Tax Credit Program, W.VA. HOUS. DEV. FUND, https://www.wvhdf.com/programs/low-income-housing-tax-credit-program (last visited July 5, 2018). The West Virginia Housing Development Fund allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved.


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/; also see 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

See 42 U.S.C. § 1484(f)(3)(A), 1486(g)(4) (Sections 514 and 516 Farm Labor Housing). See Low-Income Housing Tax Credit Program, W.VA. HOUS. DEV. FUND, https://www.wvhdf.com/programs/low-income-housing-tax-credit-program (last visited July 5, 2018). The West Virginia Housing Development Fund allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including VAWA self-petitioners, who could meet the eligibility requirements of the federal subsidies involved.

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).

See Low-Income Housing Tax Credit Program, W.VA. HOUS. DEV. FUND, https://www.wvhdf.com/programs/low-income-housing-tax-credit-program (last visited July 5, 2018). The West Virginia Housing Development Fund allocates the Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigrant restrictions. However, when housing units use these federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants who could meet the eligibility requirements of the federal subsidies involved.

DACA applicants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


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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)(i) (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).

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

45 C.F.R. § 1626.4(b) (“Related legal assistance means legal assistance directly related “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patriarchy, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”). See also Benish Anver, Henrissa Bassey & Leslye E. Orloff, Legal Services Access for All: Implementing the Violence Against Women Act of 2005’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/.

45 C.F.R. § 1626.5(a).

45 C.F.R. § 1626.5(b).

264 45 C.F.R. § 1626.5(a)


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.”).


270 See 45 C.F.R. § 1626.5(c).

271 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). See 45 C.F.R. § 1626.4(a)(2).

272 See 45 C.F.R. § 1626.4(a)(2).

273 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.”).


277 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).

278 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).
The purpose of the LAV Program is to increase the availability of civil and criminal legal assistance needed to effectively aid adult and youth victims of sexual assault, domestic violence, dating violence, and stalking who are seeking relief in legal matters relating to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.


See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(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, Brittany 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).

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 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 United States Department of Health and Human Services.).

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

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OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS (LAV) GRANT PROGRAM SOLICITATION (2017), 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 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
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293 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
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294 See 45 C.F.R. § 1626.5(a).

295 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 &
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298 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),

299 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. §
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or solicitation to commit any of the above mentioned crimes).
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).

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45 C.F.R. § 1626.5(a).


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The abuse must either have occurred in the U.S. or violate U.S. law. See 45 C.F.R. § 1626.2(c).

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 to 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/.

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.”).


341 FEMA, You May Be Able to Get Disaster Assistance (February 21, 2023), https://www.fema.gov/sites/default/files/documents/fema_undocumented-immigrants-disaster-assistance_flyer_2023.pdf (listing naturalized citizens, lawful permanent residents, and certain battered non-citizens or their spouses or children which includes VAWA self-petitioners).


343 FEMA, You May Be Able to Get Disaster Assistance (February 21, 2023), https://www.fema.gov/sites/default/files/documents/fema_undocumented-immigrants-disaster-assistance_flyer_2023.pdf (listing naturalized citizens, lawful permanent residents, and certain battered non-citizens or their spouses or children which includes VAWA self-petitioners).


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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.  

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

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).


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).


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.”).


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