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State Justice Institute

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

# Access to State-Funded[a] Public Benefits in New Jersey for Survivors, Based on Immigration Status[bc]

By: Daniel Enos, Chris Baumohl, Meera Patel, Sarah Register, and Leslye E. Orloff

May 16, 2019 (Updated January 18, 2025)

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
|---|---|---|---|---|---|---|---|---|
| | ***Qualified Immigrant[d]*** | | ***HHS Certification*** | ***Lawfully Present[11]*** | | | ***Limited Benefits Eligibility[12]*** | |
| **TANF (Cash Assistance)** | VAWA: Eligible with prima facie determination,[13] subject to five-year bar for those who arrived on or after August 22, 1996.[14] | Refugee/Asylee: Eligible for TANF regardless of date of entry.[21] | Human trafficking victims eligible: with HHS Certification (based on continued | Not eligible.[27] | Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.[28] | Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996 [32] | Not eligible.[36] | Not eligible. [37] |

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

[b] © National Immigrant Women's Advocacy Project, American University, Washington College of Law 2025. This publication was developed under Grant Nos. SJI-15-T-234, SJI-22-T-037, SJI-23-T-043, and SJI-24-T-046 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute. This project was supported by Grant Nos. 15JOVW-21-GK-02208-MUMU and 15JOVW-23-GK-05119-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this program are those of the authors and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

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

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

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| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **TANF** | (After the first 12 months may be subject to deeming).[15]<br><br>Lawful permanent residents: Eligible subject to five-year bar for those who arrived on or after August 22, 1996 [16] (may be subject to deeming) [17]<br><br>Naturalized citizens: Eligible without restrictions.[18]<br><br>*In New Jersey, if abused,[19] lawful permanent residents, VAWA self-petitioners and Battered Spouse Waivers eligible for Work First, regardless of date of entry.[20]* | T visa: with HHS certification or eligibility determination, eligible under the Victims of eligibility determination, eligible under the Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees.[22]<br><br>T visa holders or bona fide applicants are also eligible as qualified immigrants, subject to five-year bar for those who entered on or after August 22, 1996.[23] | presence or a bona fide determination on a T visa application) or with HHS eligibility determination (under 18).[24] These human trafficking victims are considered refugees and thus are eligible regardless of date of entry.[25]<br><br>Family members with T visa status are considered refugees and are thus eligible without HHS certification regardless of date of entry.[26] | | (may be subject to deeming).[29]<br><br>*In New Jersey upon lawful permanent residency, if abused[30], eligible for Work First, regardless of date of entry.[31]* | (may be subject to deeming).[33]<br><br>*In New Jersey upon lawful permanent residency, if abused, [34] eligible for Work First, regardless of date of entry.[35]* | | |
| **Child Care** | Children with VAWA prima facie determination and child lawful permanent residents are qualified immigrants eligible for | Children who are asylees or refugees are eligible for CCDF-funded child care and | Human trafficking victims with an HHS Certification (based on | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in | Eligible for CCDF-funded child care open to all immigrants, when: | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public | Eligible for CCDF-funded child care open to all immigrants, when: | Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in |

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| **Child Care** | Child Care Development Fund (CCDF)-funded child care.[38]<br><br>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.[39]<br><br><u>Naturalized citizens:</u> Eligible without restrictions.[40]<br><br>*In New Jersey, eligible if abused[41] immigrants for TANF and eligible for TANF-funded child care with no five-year bar.[42]* | TANF-funded child care.[43]<br><br><u>T visa</u>: Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.[44]<br><br>Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care.[45] They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.[46] | 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.[47]<br><br>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.[48] | 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;<br>(2) Child care is subject to Head Start performance standards; or<br>(3) Eligibility for child care services is determined by a nonprofit charitable organization.[49] | (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;<br>(2) Childcare is subject to Head Start performance standards; or<br>(3) Eligibility for child care services is determined by a nonprofit charitable organization.[50]<br><br>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.[51] Also eligible for TANF-funded child care subject to five- year bar for those who entered on or after August 22, 1996.[52]<br><br>*In New Jersey, when eligible for TANF as abused lawful permanent resident,* | educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays;<br>(2) Childcare is subject to Head Start performance standards; or<br>(3) Eligibility for child care services is determined by a nonprofit charitable organization.[55]<br><br>Upon receiving lawful permanent residency, eligible as for CCDF-funded child care.[56] Also eligible for TANF-funded child care subject to five-year bar for those who entered on or after August 22, 1996.[57]<br><br>*In New Jersey, when eligible for TANF as abused lawful permanent resident [58] immigrants are eligible for TANF-funded child care with no five-year bar.*[59] | (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;<br>(2) Child care is subject to Head Start performance standards; or<br>(3) Eligibility for child care services is determined by a nonprofit charitable organization.[60] | 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;<br>(2) Child care is subject to Head Start performance standards; or<br>(3) Eligibility for child care services is determined by a nonprofit charitable organization.[61] |

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| **Child Care** | | | | | [53] *also eligible for TANF-funded child care with no five-year bar.*[54] | | | |
| **SNAP (Food Stamps)[62]** | Eligible with VAWA prima facie determination or lawful permanent residence, subject to an additional condition, e.g.: five years residency, younger than 18, elderly (if lawfully residing in the U.S. on 8/22/96) disabled, or if Lawful Permanent Resident with 40 quarters of work credit.[63]<br><br>Naturalized citizens: Eligible without restrictions.[64] | Refugee/Asylee: Eligible with no additional conditions. [65]<br><br>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).[66] Also eligible under the Trafficking Victims Protection Act to the same extent as refugees.[67] | 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).[68] Family members with T visa status eligible without HHS certification or eligibility determination.[69]<br><br>These human trafficking victims are eligible to the same extent as refugees and thus are eligible with | Not eligible. | Eligible upon receiving lawful permanent residency, subject to an additional condition,[71] e.g.: under 18,[72] five years residency,[73] 40 qualifying work quarters,[74] or disabled.[75] | Eligible upon receiving lawful permanent residency, subject to an additional condition, [76] e.g.: under 18,[77] five years residency,[78] 40 qualifying work quarters,[79] elderly,[80] or disabled.[81] | Not eligible. | Not eligible. |

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| **SNAP** | | | no additional conditions.[70] | | | | | |
| **The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)** | 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.[82] 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.[83] 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).[84]<br><br>*In New Jersey, applicants should apply at their local WIC office or clinic location.[85] In New Jersey, the income eligibility requirement for a family size of two is to have a gross income less or equal to $30,044.[86] The income eligibility requirement varies based on household size.* | | | | | | | |
| **Health Insurance on Exchanges[e]** | Eligible with VAWA prima facie determination,[87] as a lawful permanent resident,[88] or naturalized citizen.[89] | Refugee: Eligible.[90]<br><br>Asylee: Eligible; applicants eligible if granted work authorization, applicants under 14 eligible if application pending at least 180 days.[91]<br><br>T visa: Eligible with prima facie (bona fide) determination on T visa application.[92] | 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).[94]<br><br>Family members with T visa status eligible without HHS certification | Eligible upon being granted Deferred Action for Childhood Arrivals (DACA).[97] | Eligible upon filing SIJS application.[98] | Eligible upon U visa, bona fide determination,[99] or wait list approval.[100] | Not eligible.[101] | Not eligible.[102] |

[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** | | Afghans special immigrants and Afghan and Ukrainian parolees are eligible to the same extent as refugees.[93] | or eligibility determination.[95]<br><br>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.[96] | | | | | |
| **Child Health Insurance Program (CHIP)[103]** | Eligible with VAWA prima facie determination or lawful permanent residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.[104]<br><br>Naturalized citizens eligible.[105]<br><br>Eligible for emergency Medicaid[106] and payments for the costs of Medical Forensic Examinations (including rape kits) [107] regardless of immigration or citizenship status. | Refugee/Asylee: Eligible, exempt from five-year bar.[112]<br><br>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.[113]<br><br>Afghans special immigrants and Afghan and Ukrainian parolees are | 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).[122]<br><br>Family members with T visa status are eligible without HHS Certification or eligibility determination.[123] | Eligible for emergency Medicaid[128] and payments for the costs of Medical Forensic Examinations (including rape kits) [129] regardless of immigration or citizenship status.<br><br>*In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.[130]*<br><br>*In New Jersey, income eligible lawfully present* | Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.[133]<br><br>Eligible for emergency Medicaid[134] and payments for the costs of Medical Forensic Examinations (including rape kits) [135] regardless of immigration or citizenship status.<br><br>*In New Jersey, NJ Family Care available for lawfully present children and pregnant children* | If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency. [141]<br>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, but subject to five-year bar.[142]<br><br>Eligible for emergency Medicaid[143] and payments for the costs of Medical Forensic Examinations (including rape kits) [144] regardless of immigration or citizenship status.<br><br>*In New Jersey, NJ Family Care available for lawfully present* | Eligible for emergency Medicaid[151] and payments for the costs of Medical Forensic Examinations (including rape kits) [152] regardless of immigration or citizenship status.<br><br>*In New Jersey, children are eligible for NJ Family Care Advantage if family income exceeds 350% FPL, regardless of immigration status.[153]* | Eligible for emergency Medicaid[156] and payments for the costs of Medical Forensic Examinations (including rape kits) [157] regardless of immigration or citizenship status.<br><br>*In New Jersey, children are eligible for NJ Family Care Advantage if family income exceeds 350% FPL, regardless of immigration status.[158]*<br><br>*In New Jersey, NJ Family Care* |

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| **CHIP** | *In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.*[108]<br><br>*In New Jersey, income eligible qualified immigrants (including lawful permanent residents, VAWA self-petitioners and Battered Spouse Waivers) are eligible for Plan First Contraceptive Care*[109] *and when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care*[110] *is available through NJ Family Care, with no 5 year bar.*[111] | eligible to the same extent as refugees.[114]<br><br>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.[115]<br><br>Eligible for emergency Medicaid[116] and payments for the costs of Medical Forensic Examinations (including rape kits) [117] regardless of immigration or citizenship status.<br><br>*In New Jersey, NJ Family Care is available for* | These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.[124]<br><br>Eligible for emergency Medicaid[125] and payments for the costs of Medical Forensic Examinations (including rape kits) [126] regardless of immigration or citizenship status.<br><br>*In New Jersey, NJ In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.*[127] | *immigrants (including DACA recipients) when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care*[131] *is available through NJ Family Care.*[132] | *(including SIJS applicants).*[136]<br><br>*In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.*[137]<br><br>*In New Jersey, income eligible qualified immigrants (including SIJS lawful permanent residents) are eligible for Plan First Contraceptive Care*[138] *and lawfully present immigrants (including SIJS applicants and recipients) when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care*[139] *is available through NJ Family Care.*[140] | *children and pregnant children (including U visa holders and bona fide*[145] *or wait-list approved U visa applicants).*[146]<br><br>*In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.*[147]<br><br>*In New Jersey, income eligible qualified immigrants (including U visa lawful permanent residents) are eligible for Plan First Contraceptive Care*[148] *and lawfully present immigrants (including U visa holders, and U visa applicants with bona fide determinations or waitlist approvals) when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care*[149] *is available through NJ Family Care.*[150] | *In New Jersey, NJ Family Care available for pregnant children (including U visa applicants) for prenatal services up to 200% of the Federal Poverty level, regardless of immigration status.*[154]<br><br>*In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.*[155] | *available for pregnant children for prenatal services up to 200% of the Federal Poverty level, regardless of immigration status.*[159]<br><br>*In New Jersey, NJ Family Care is available for all income eligible children up to 19 regardless of immigration status.*[160] |

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| **CHIP** | | *all income eligible children up to 19 regardless of immigration status.*[118]<br><br>*In New Jersey, income eligible qualified immigrants (including refugees, asylees, T visa holders, and T visa applicants with bona fide determinations) are eligible for Plan First Contraceptive Care*[119] *and when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care*[120] *is available through NJ Family Care.*[121] | | | | | | |
| **Full-Scope Medicaid**[161] | Eligible with VAWA prima facie determination or lawful permanent | Refugee/Asylee: Eligible, exempt from five-year bar.[173] | Human trafficking victims are eligible with an | Eligible for emergency Medicaid[189] and payments for the | Eligible for emergency Medicaid[194] and payments for the | Eligible for emergency Medicaid[203] and payments for the costs of Medical Forensic | Eligible for emergency Medicaid[213] and payments for the | Eligible for emergency Medicaid[216] and payments for the |

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|---|---|---|---|---|---|---|---|---|
| **Full Scope Medicaid** | residence if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or after August 22, 1996.[162]<br><br>Naturalized citizens eligible. [163]<br><br>Eligible for emergency Medicaid[164] and payments for the costs of Medical Forensic Examinations (including rape kits) [165] regardless of immigration or citizenship status.<br><br>*In New Jersey, NJ Family Care is available for VAWA self-petitioners, Battered Spouse Waivers, and lawful permanent residents regardless of date of entry.[166]*<br><br>*In New Jersey, income eligible qualified immigrants (including lawful permanent residents, VAWA self-petitioners and Battered Spouse* | <u>T visa</u> : with HHS certification or eligibility determination, immediately eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.[174]<br><br><u>T visa holders and T visa applicants</u> with prima facie (bona fide) determinations eligible as qualified immigrants, subject to five-year bar for those who arrived on or after August 22, 1996.[175]<br><br><u>Afghans special immigrants and Afghan and Ukrainian parolees</u> are | HHS Certification (based on continued presence or a bona fide determination on a T visa application) or eligibility determination (under 18).[183]<br><br>Family members with T visa status eligible without HHS Certification or eligibility determination.[184]<br><br>These human trafficking victims are eligible to the same extent as refugees and are exempt from five-year bar.[185]<br><br>Eligible for emergency Medicaid[186] and payments for the costs of Medical Forensic Examinations | costs of Medical Forensic Examinations (including rape kits) [190] regardless of immigration or citizenship status.<br><br>*In New Jersey, income eligible lawfully present immigrants (including DACA recipients) when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care[191] is available through NJ Family Care.[192]*<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[193]* | costs of Medical Forensic Examinations (including rape kits) [195] regardless of immigration or citizenship status.<br><br>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.[196]<br><br>*In New Jersey, income eligible qualified immigrants (including SIJS lawful permanent residents) are eligible for Plan First Contraceptive Care[197] and lawfully present immigrants (including SIJS applicants and recipients) when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care[198] is available through NJ Family Care.[199]* | Examinations (including rape kits) [204] regardless of immigration or citizenship status.<br><br>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency. [205]<br><br>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar.[206]<br><br>*In New Jersey, NJ Family Care is available for U Visa lawful permanent residents regardless of date of entry.[207]*<br><br>*In New Jersey, income eligible qualified immigrants (including U visa lawful permanent residents) are eligible for Plan First Contraceptive Care[208] and lawfully present immigrants (including U visa holders, and U visa* | costs of Medical Forensic Examinations (including rape kits) [214] regardless of immigration or citizenship status.<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[215]* | costs of Medical Forensic Examinations (including rape kits) [217] regardless of immigration or citizenship status.<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[218]* |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **Full Scope Medicaid** | *Waivers) are eligible for Plan First Contraceptive Care[167] and when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care[168] is available through NJ Family Care, with no 5 year bar.[169]*<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[170]*<br><br>*In New Jersey, parents who have been lawful permanent residents for less than 5 years and were enrolled in NJ Family Care as of April 1, 2010 are eligible to continue receiving coverage at the agency's discretion if being treated for a life-threatening illness or receiving ongoing life-sustaining treatment.[171]*<br><br>*In New Jersey, qualified immigrants and those who are* | eligible to the same extent as refugees.[176]<br><br>Eligible for emergency Medicaid[177] and payments for the costs of Medical Forensic Examinations (including rape kits) [178] regardless of immigration or citizenship status.<br><br>*In New Jersey, income eligible qualified immigrants (including refugees, asylees, T visa holders, and T visa applicants with bona fide determinations) are eligible for Plan First Contraceptive Care[179] and when pregnant eligible for full-scope health care, prenatal* | (including rape kits) [187] regardless of immigration or citizenship status.<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[188]* | | *In New Jersey, NJ Family Care is available for SIJS lawful permanent residents regardless of date of entry.[200]*<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[201]*<br><br>*In New Jersey, parents who have been lawful permanent residents for less than 5 years and were enrolled in NJ Family Care as of April 1, 2010 (including SIJS recipients), are eligible to continue receiving coverage at the agency's discretion, if being treated for a life-threatening illness or receiving ongoing life-sustaining treatment.[202]* | *applicants with bona fide determinations or waitlist approvals) when pregnant eligible for full-scope health care, prenatal care, and 12 months postpartum care[209] is available through NJ Family Care.[210]*<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.[211]*<br><br>*In New Jersey, parents who have been lawful permanent residents for less than 5 years and were enrolled in NJ Family Care as of April 1, 2010 (including U visa recipients), are eligible to continue receiving coverage at the agency's discretion, if being treated for a life-threatening illness or receiving ongoing life-sustaining treatment. [212]* | | |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **Full Scope Medicaid** | *residing under color of law who were in Medicaid-Certified nursing homes prior to Jan. 29, 1997 are eligible for nursing home care.*[172] | *care, and 12 months postpartum care*[180] *is available through NJ Family Care.*[181]<br><br>*In NJ, eligible for prenatal and contraceptive care regardless of immigration status.*[182] | | | | | | |
| **Victims of Crime Act (VOCA) Compensation** | The Victims of Crime Act provides compensation to crime victims for costs associated with the crime victimization. Costs covered by VOCA include compensation for medical bills, lost wages, counseling sessions, crime scene clean up, and reimbursement for many other expenses. VOCA compensation is available to crime victims without regard to immigration status or naturalized citizenship.[219] | | | | | | | |
| **Family Medical Leave Act[220] – State Law[221]** | Eligible without regard to immigration status.[222] | Eligible without regard to immigration status.[223] | Eligible without regard to immigration status.[224] | Eligible without regard to immigration status.[225] | Eligible without regard to immigration status.[226] | Eligible without regard to immigration status.[227] | Eligible without regard to immigration status.[228] | Eligible without regard to immigration status.[229] |
| **Education-Federal Benefits: Federal Student Aid, Grants and Loans[230] FAFSA** | VAWAs with prima facie determinations, Battered Spouse Waiver applicants, and all lawful permanent residents, eligible.[231]<br><br>Naturalized citizens, eligible.[232] | 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 | Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on | Not eligible for federal student aid.[235] | Eligible for federal student aid upon receipt of lawful permanent residency.[236] | Eligible for federal student aid upon receipt of lawful permanent residency.[237] | Not eligible for federal student aid. | Not eligible for federal student aid. |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **Education-Federal Benefits** | | federal student aid.[233] | 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.[234] | | | | | |
| **State Education** | 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. [238]<br><br>*At its public postsecondary institutions, New Jersey allows in-state tuition rates and access to institutional aid or scholarships for eligible students, regardless of immigration status.[239] Immigrants are, eligible to pay in-State tuition at a public institution of higher education if the student attended high school in New Jersey for three or more years and graduated from a high school in New Jersey or received the equivalent of a high school diploma in the state.[240] In the case of a person without lawful immigration status, to be eligible the student must file an affidavit with the institution of higher education stating that the student has filed an application to legalize his or her immigration status or will file an application as soon as he or she is eligible to do so.[241] Students who are T or U visa holders or are dependents of parents who hold H-1B, O-1, or O-2 visas are exempt from out-of-state tuition if they meet the conditions described above.[242] T and U visa holder students who meet the in-state tuition criteria are also eligible for student New Jersey financial aid, grants and scholarship programs.[243]* | | | | | | | |
| **Supplemental Security Income (SSI)[244]** | 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.[245] May also be eligible with a prima facie determination if currently receiving SSI based on an | <u>Refugees/Asylees</u>: Eligible during first seven years after the status was granted. [250]<br><br><u>Trafficking victims:</u> Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the | 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 | Not eligible. | Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,[257] subject to five-year bar, for those who arrived on or after August 22, 1996.[258] | Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work[259] 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.[260] Lawful permanent residents may also be | Not eligible.[262] | Not eligible.[263] |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **SSI** | application filed before 1979.[246]<br><br>Eligible upon receiving lawful permanent residency if credited with 40 quarters of work,[247] subject to five-year bar for those who arrived on or after August 22, 1996. [248]<br><br>Naturalized citizens, eligible.[249] | same extent as refugees.[251]<br><br>T visa[252]: Eligible as a qualified immigrant with prima facie (bona fide) determination on T visa application if receiving SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled.[253] May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979. [254] This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.[255] | (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.[256] | | | eligible if currently receiving SSI based on an application filed before 1979.[261] | | |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **Professional & Occupational Licenses** | New Jersey provides professional and occupational licenses without regard to immigration status. [264]<br>New Jersey requires individuals and corporations to pay state taxes on business income and may require an SSN to register for state business taxes or may accept an ITIN or EIN.[265] | | | | | | | |
| **Driver's License[266]** | 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.[267] The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status.[268] All documentation for REAL ID compliant ID's will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.).[269] DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS. [270] In addition, DHS permits states to establish an "Exception Process" and consider "Alternative Documents."[271]<br><br>*New Jersey allows lawfully residing immigrants to pursue a non-REAL ID.[272] New Jersey follows a "6 Point ID Verification Program."[273] Different documents are worth different points.[274] The documents required are as follows[275]:*<br>• *At least one primary document (proving legal status)*<br>  ○ *Documents in this category may be 4, 3 or 2 points.*<br>  ○ *Foreign passport with INS or USCIS verification and valid record of arrival/departure (Form I-94); Foreign passport with INS or USCIS verification and valid record of arrival/departure (Form I-94); Foreign passport with INS or USCIS verification and valid Form I-551 stamp; Current alien registration card (new Form I-551) with expiration date and verification from INS or USCIS; Refugee travel document (Form I-571);US re-entry permit (Form I-327); Valid I-94 stamped "Refugee," "Parolee," "Asylee" or "Notice of Action" (Form I-797 approved petition) by INS or USCIS; Valid I-94 with attached photo stamped "Processed for I-551…" by INS or USCIS; Current photo* ***employment authorization card (Form I-688B or I-766)*** *[276] --Must be presented with valid Social Security card; Current alien registration card (old Form I-551) without expiration date and with INS or USCIS verification χ Photo temporary resident card (Form I-688)*<br>  ▪ *The stage in the immigration application process at which most immigrant crime victims will receive full a state issued driver's license is upon receipt of employment authorization.[277]*<br>• *At least one secondary document proving identity*<br>  ○ *There are 3 point, 2 point, and 1 point documents; cannot use more than two of the one point documents, and these are not immigration specific.*<br>• *Verifiable Social Security Number*<br>• *Proof of Address* | | | | | | Standard basic driver's license or non-driver ID card for individuals who present proof of identity, age, and state residence. Applicants must provide an SSN or ITIN or indicate that they are ineligible for an SSN. Standard licenses are not acceptable for official federal purposes under REAL ID and are not proof U.S. citizenship or lawful immigration status and may not be used as a basis for investigation, arrest, prosecution, or detention. State and local officials, including law enforcement, shall accept standard basic driver's licenses and ID cards as proof of identity, age, and state residence. Includes confidentiality and antidiscrimination provisions.[278] | |
| **Housing, Health, and Other Services** | Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status or naturalized citizenship and may not withhold those services based on immigration status or naturalized citizenship.[279] 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 | | | | | | | |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **Necessary to Protect Life and Safety** | 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.[280]<br><br>*In New Jersey Emergency Solutions Grant (ESG) projects providing street outreach, shelter, and rapid re-housing services to the homeless, and homelessness prevention services to those at risk of homelessness are programs administered at the local level by counties and non-profit organizations.[281] The New Jersey Emergency Assistance Program provides immediate and comprehensive shelter services to homeless persons and persons at risk of becoming homeless. Work Force New Jersey clients may also be eligible for emergency assistance.[282]* | | | | | | | |
| **Public and Assisted[283] Housing[284] and Low-Income Housing Tax Credit (LIHTC) Housing[285]** | Upon filing VAWA self-petition, applicant cannot be denied HUD public or assisted housing unless and until a final determination of ineligibility.[286]<br><br>Lawful permanent residents are eligible for public and assisted housing[287] and for USDA Section 514/516 Farm Lab or Housing;[288] USDA Section 521 Rural Rental Assistance.[289]<br><br>Naturalized citizens are eligible for public and assisted housing[290] and for USDA Section 514/516 Farm Labor Housing;[291] | Refugee/Asylee, T visa holder or T visa applicant with prima facie (bona fide) determination eligible for:<br><br>HUD public and assisted housing;[294] USDA Section 515 Rural Rental Housing;[295] USDA Section 521 Rural Rental Assistance;[296] USDA Section 514/516 Farm Labor Housing if immediate family member[297] or remaining household member[298] of | 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), [301] are eligible for: HUD public and assisted housing[302] and USDA rental housing.[303] | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),[305] and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.[306]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.[307]* | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),[308] and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.[309]<br><br>Upon receiving lawful permanent residency, [310] eligible for HUD[311] and USDA[312] rental housing.[313]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.[314]* | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),[315] and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.[316]<br><br>Upon receiving lawful permanent residency, [317] eligible for HUD[318] and USDA[319] rental housing.[320]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.[321]* | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),[322] and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.[323]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.[324]* | Eligible for USDA Section 515 Rural Rental Housing (without Rental Assistance),[325] and Section 514/516 Farm Labor Housing if immediate family member of eligible domestic farm laborer.[326]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.[327]* |

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| **Public and Assisted Housing and LIHTC** | USDA Section 521 Rural Rental Assistance.[292]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.*[293] | eligible domestic farm laborer. Upon receiving lawful permanent residency USDA Section 514/516 Farm Labor Housing.[299]<br><br>*In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.*[300] | *In New Jersey, may be eligible to live in Low Income Housing Tax Credit property.*[304] | | | | | |
| **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.[328] A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).[329] 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.[330]<br><br>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—<br>• A dependent child under the age of 13,<br>• A spouse who is unable to physically or mentally care for themselves, or<br>• An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.[331]<br>The child or dependent must have a social security number or ITIN.[332] 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.[333] | | | | | | | |
| **Earned Income Tax Credit (EITC)** | VAWA self-petitioners, lawful permanent residents, and naturalized | Once granted lawful permanent residency[339] or | Recipients of T visa bona fide determinations or continued | DACA applicants who are granted work authorization who have lived in | SIJS recipients granted lawful permanent residency[346] who | Once granted lawful permanent residency[349] or work authorization U visa holders and U visa | Not eligible. | Not eligible. |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **EITC** | citizens who[334]: 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,[335] have a social security number valid for work,[336] and have earned income during the tax year[337] are eligible for the earned income tax credit (EITC). [338] | work authorization T visa holders, refugees, asylees, or applicants for asylum who have lived in the U.S. for six months, [340] who have a social security number, and who are earning income are eligible for the earned income tax credit (EITC).[341] | presence who are granted work authorization who have lived in the U.S. for six months, [342] who have a social security number, and who are earning income are eligible for the earned income tax credit (EITC).[343] | the U.S. for six months,[344] who have a social security number, and who are earning income are eligible for the earned income tax credit (EITC).[345] | have lived in the U.S. for six months, [347] who have a social security number, and who are earning income are eligible for the earned income tax credit (EITC).[348] | applicants with deferred action (based on bona fide determinations or wait-list approval) who have lived in the U.S. for six months, [350] who have a social security number valid for work, [351] and who are earning income are eligible for the earned income tax credit (EITC).[352] | | |
| **Legal Services[353]** | An immigrant who (or whose child) is battered or subjected to extreme cruelty[354] inside or outside of the United States[355] is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.[356]<br><br>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident | <u>Refugee/Asylee</u>: Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded agency handles.[366]<br><br><u>T visa:</u><br>An immigrant who has been (or whose child has been) a victim of trafficking in the | An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification,[373] and derivative family members with (or applying for) T visa status,[374] are eligible for legal assistance on any matter the LSC-funded agency handles.<br><br>Eligible for Office of | A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty,[379] or is a victim of sexual assault or trafficking in the U.S., [380] is eligible for legal services from LSC-funded agencies[381] on matters related to the abuse.[382]<br><br>Eligible for Office of Violence Against Women | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty,[387] or sexual assault or trafficking in the U.S.,[388] on matters related to the abuse.[389]<br><br>Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,[390] or, for the spouse, parent or | 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[396] is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies[397] on matters related to the crime victimization.[398]<br><br>Eligible for legal assistance on any matter the LSC-funded agency | 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[405] is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies[406] on matters related | An immigrant victim who is (or whose child is), battered or subjected to extreme cruelty,[412] or is a victim of sexual assault or trafficking in the U.S.,[413] is eligible for legal services from LSC-funded agencies[414] on matters related to the abuse.[415]<br><br>Eligible for Office of Violence Against Women |

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| **Legal Services** | status,[357] or spouses, parents, and unmarried children under age 21 of U.S. citizens[358] become eligible for full representation on any matter upon filing an application for lawful permanent residency.[359]<br><br>Lawful permanent residents, applicants for lawful permanent residency,[360] and naturalized citizens[361] are eligible for full representation.<br><br>Eligible for Office of Violence Against Women funded Legal Assistance[362] as a victim of domestic violence, sexual assault, stalking[363] or dating violence.[364] Must be at least 11 years old.[365] | U.S, including a T visa holder,[367] is eligible for legal assistance on any matter the LSC-funded agency handles.[368]<br><br>Eligible for Office of Violence Against Women funded Legal Assistance[369] for victims of domestic violence, sexual assault, stalking[370] or dating violence.[371] Must be at least 11 years old.[372] | Violence Against Women funded Legal Assistance[375] for victims of domestic violence, sexual assault, stalking[376] or dating violence.[377] Must be at least 11 years old.[378] | funded Legal Assistance[383] for victims of domestic violence, sexual assault, stalking[384] or dating violence.[385] Must be at least 11 years old.[386] | unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.[391]<br><br>Eligible for Office of Violence Against Women funded Legal Assistance[392] for victims of domestic violence, sexual assault, stalking[393] or dating violence.[394] Must be at least 11 years old.[395] | handles upon receiving LPR status,[399] or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.[400]<br><br>Eligible for Office of Violence Against Women funded Legal Assistance[401] for victims of domestic violence, sexual assault, stalking[402] or dating violence.[403] Must be at least 11 years old.[404] | to the crime victimization.[407]<br><br>Eligible for Office of Violence Against Women funded Legal Assistance[408] for victims of domestic violence, sexual assault, stalking[409] or dating violence.[410] Must be at least 11 years old.[411] | funded Legal Assistance[416] for victims of domestic violence, sexual assault, stalking[417] or dating violence.[418] Must be at least 11 years old.[419] |
| **Weatherization Assistance Program (WAP) and Low-Income Home Energy** | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.[420] | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status.[430] | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings without, regard to immigration status.[433] | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard | Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
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| **Assistance Program (LIHEAP)** | Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship.[421]<br><br>*In New Jersey, qualified immigrants (including lawful permanent residents, VAWA self-petitioners with prima facie determinations and Battered Spouse Waivers) are eligible for WAP & LIHEAP, if gross household income is equal or less than 200% of Federal Poverty Guidelines.*[422] | to immigration status.[423]<br><br>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.[424]<br><br>*In New Jersey, qualified immigrants (including refugees, asylees, and T visa applicants with bona fide determinations) are eligible for WAP & LIHEAP, if gross household income is equal or less than 200% of Federal Poverty Guidelines.*[425] | immigration status.[426]<br><br>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.[427]<br><br>*In New Jersey, qualified immigrants (including T visa applicants with prima facie determinations) are eligible for WAP & LIHEAP, if gross* | immigration status.[429] | Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency.[431]<br><br>*In New Jersey, qualified immigrants (including SIJS lawful permanent residents) are eligible for WAP & LIHEAP, if gross household income is equal or less than 200% of Federal Poverty Guidelines.*[432] | Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receiving lawful permanent residency. [434]<br><br>*In New Jersey, qualified immigrants (including U visa victims with lawful permanent residency) are eligible for WAP & LIHEAP, if gross household income is equal or less than 200% of Federal Poverty Guidelines.*[435] | to immigration status.[436] | immigration status.[437] |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
|---|---|---|---|---|---|---|---|---|
| **WAP and LIHEAP** | | | *household income is equal or less than 200% of Federal Poverty Guidelines.*[428] | | | | | |
| **Federal Emergency Management Agency (FEMA) Assistance**[438] | Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status or naturalized citizenship. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of immediate threats to life, property, public health and safety.[439]<br><br>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.[440] | | | | | | | |
| **Federal Emergency Management Agency (FEMA)-Restricted Programs**[441] | Upon receipt of VAWA prima facie determination, lawful permanent residence, or naturalized citizenship[442]:<br><br>Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).[443]<br><br>Eligible for Emergency Supplemental Nutrition Assistance Program (SNAP), subject to five-year bar, unless under 18, or lawfully residing on August 22, 1996 and | 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.[445]<br><br>Emergency SNAP open to Refugees/Asylees (no five-year bar),[446] and T | 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).[448] | Not eligible. | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).[450]<br><br>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- | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).[452]<br><br>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.[453] | Upon receiving lawful permanent residency: Eligible for FEMA Assistance Programs, Individuals and Households Program (IHP), and Disaster Unemployment Assistance (DUA).[454]<br><br>Eligible for Emergency SNAP, subject to five-year bar, unless under 18 years of age; can be credited with 40 quarters of | Not eligible.[456] |

| | VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals, [2]and Naturalized Citizens | Refugee, Asylee, T Visa,[3] Afghans, [4] Ukrainians [5] | T Visa[6]/ Continued Presence[7] | Deferred Action for Childhood Arrivals (DACA)[8] | Special Immigrant Juvenile Status (SIJS)[9] | U Visa, bona fide, or wait list approval.[10] | U Visa Applicants | Undocumented |
|---|---|---|---|---|---|---|---|---|
| **FEMA-Restricted Programs** | either receiving disability-related benefits or born before Aug. 22, 1931.[444] | visa applicants 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.[447] | 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.[449] | | related benefits or born before Aug. 22, 1931.[451] | | 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.[455] | |
| **Unemployment Insurance[457]** | Eligible for UI upon receipt of work authorization, lawful permanent residence, or citizenship.[458] | Refugee: Eligible for UI.[459]<br><br>Asylee: Eligible for UI upon grant receipt of work authorization.[460]<br><br>T Visa, Afghans, and Ukrainians: Eligible for UI upon receipt of work authorization.[461] | Eligible for UI upon receipt of HHS certification or eligibility letter and work authorization.[462] | Eligible for UI upon receipt of work authorization.[463] | Eligible for UI receipt of work authorization.[464] | Eligible for UI upon receipt of work authorization.[465] | Not eligible.[466] | Not eligible.[467] |

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

[2] For those working with immigrant clients who are Compact of Free Association (COFA) citizens/nationals please see NIWAP's Hawaii Public Benefits Chart (https://niwaplibrary.wcl.american.edu/pubs/hawaii-benefits/) which contains a detailed explanation with footnotes for each public benefit describing what COFA nationals/citizens are eligible for in all U.S. jurisdictions. Under COMPACT OF FREE ASSOCIATION ACT (COFA) Pacific Islanders who are citizens/nationals of the Marshall Islands, Palau, and the Federated States of Micronesia (collectively the Freely Associated States or FAS) living in the United States (including all U.S. territories) are eligible for federal public benefits without being subject to the 5-year bar. COMPACT IMPACT FAIRNESS ACT (CIFA) included in CONSOLIDATED APPROPRIATIONS ACT of 2024 (March 9, 2024). Information about COFA eligibility for public benefits is also being included in each state's listing in NIWAP's public benefits map https://niwaplibrary.wcl.american.edu/benefits-map/

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

[4] Extending Government Funding and Delivering Emergency Assistance Act, Pub. L. 117-43, 135 Stat. 344, 377 ( 2021) (Afghans granted humanitarian parole between July 31, 2021, and September 30, 2023 — and their spouses and children, and parents or guardians of unaccompanied children granted parole after September 30, 2022 — also are eligible for federal benefits to the same extent as refugees. Eligibility for this group continues until March 31, 2023, or the end of their parole term, whichever is later.). *See* OFF. OF REFUGEE RESETTLEMENT, U.S. DEP'T OF HEALTH AND HUM. SERV. , *Fact Sheet: Benefits for Afghan and Iraqi Special Immigrant Visa (SIV) Holders or SQ/SI Parolees* https://www.acf.hhs.gov/orr/fact-sheet/benefits-afghan-and-iraqi-special-immigrant-visa-siv-holders-or-sq/si-parolees (last visited November 29, 2023) (Iraqi and Afghan special immigrant visa holders (SIV) and special immigrant parolees (who have applied for SIV status) are eligible for federal benefits to the same extent as refugees.) *See also The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Afghan Refugees* (November 29, 2023) https://niwaplibrary.wcl.american.edu/orr-policy-letters-afghan-refugees (Contains HHS Policy Letters and Fact Sheets regarding Afghan Refugees).

[5] *Department of Homeland Security, President Biden to Announce Uniting For Ukraine, a New Streamlined Process to Welcome Ukrainians Fleeing the Russian Invasion of Ukraine*, DEP'T OF HOMELAND SEC. (April 21, 2022) https://www.dhs.gov/news/2022/04/21/president-biden-announce-uniting-ukraine-new-streamlined-process-welcome-ukrainians (Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2023 – and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2023 – are eligible for federal benefits to the same extent as refugees.); *See The Administration for Children and Families Office of Refugee Resettlement Policy Letters on Public Benefits for Ukrainian Refugees* (November 29, 2023) https://niwaplibrary.wcl.american.edu/orr-policy-letters-ukrainian-refugees (Contains HHS Policy Letters and Fact Sheets regarding Ukrainian Refugees).

[6] *See* 22 U.S.C. § 7105(b)(1) (Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees.); Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) (to be codified at 8 C.F.R. pts. 212, 214, 245, 274); New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ''T'' Nonimmigrant Status, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (to be codified at 8 C.F.R. pt. 103), http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/.

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

[8] *See DACA*, NAT'L IMMIGR. L. CTR. (last visited Mar. 2, 2018), https://www.nilc.org/issues/daca/ (DACA is "deferred action" for certain undocumented youth who came to the United States as children.).

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

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

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

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

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

[14] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).

[15] 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse's or parent's family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att'y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)), http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/. *See* Catherine Longville and Leslye Orloff, *Public Benefits: What is "Deeming" and What Are its Exceptions,* (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/. *Applicability of Public Charge and Deeming Rules to Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in* NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/

[16] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).

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

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

[19]Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R.§204.2(c)(1). *See,* Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2. Victims of domestic violence and child abuse as defined under state law also qualify. See, N.J. Stat. Ann. § 2C:25-19; N.J. Stat. Ann. § 9:6-8.21, N.J. Stat. Ann. § 2C:25-28. *See,* Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse and http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart.

[20] N.J. Admin. Code § 10:90-2.10; NAT'L IMMIGR. L. CTR., *Table 8: State Funded TANF Replacement Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 102-03 (4th ed. 2002, table updated Aug. 2016), https://www.nilc.org/issues/economic-support/guide_tanf/. *See also Citizenship*, N.J. DEP'T OF HUMAN SERVS. DIV. OF FAMILY DEV., http://www.state.nj.us/humanservices/dfd/programs/workfirstnj/citizenship/ (last visited May 24, 2018).

[21] 8 U.S.C. §§ 1612(b)(2)(A)(ii); 1613(b)(1). Federal eligibility for refugees and asylees extends for the first five years after attaining that status. However, 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 Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. *See* OFFICE OF FAMILY ASSISTANCE, U.S. DEP'T OF HEALTH & HUM. SERV., *TANF-ACF-PI-2003-03 (Deeming of Sponsor's Income and Resources to A Non-Citizen)* (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.

[22] *See* 22 U.S.C. § 7105(b)(1); *Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for "T" Nonimmigrant Status*, 81 Fed. Reg. 92266, 92278 (Dec. 19, 2016) (effective Jan. 18, 2017) ( codified at 8 C.F.R. pts. 212, 214, 245, 274; *New Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ''T'' Nonimmigrant Status*, 67 Fed. Reg. 4784, 4789-91 (Jan. 31, 2002) (codified at 8 C.F.R. pt. 103), http://niwaplibrary.wcl.american.edu/pubs/federal-register-new-classification/. TANF benefits for refugees are available without a five-year waiting period but are limited to five years. However, if the refugee attains lawful permanent resident status with 40 qualifying work quarters, they will already have satisfied the five-year bar for eligibility as a lawful permanent resident by the time their refugee/asylee benefit period for TANF ends. *See* 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran's family, for which neither the five-year bar nor the five-year time limit applies. *See* 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. *See* NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. *See* OFFICE OF FAMILY ASSISTANCE, U.S. DEP'T. OF HEALTH & HUM. SERV., *TANF-ACF-PI-2003-03 (Deeming of Sponsor's Income and Resources to A Non-Citizen)* (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.

[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/; 8 U.S.C. § 1641(c)(4). An applicant with a military connection is eligible as a matter of federal law, without the five-year bar. *See* 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Federal law does not require states to impose the five-year time limit to trafficking victim eligibility as a qualified immigrant and many states cover T visa holders and T visa applicants with bona fide determinations under Victims of
Trafficking and Violence Protection Act (TVPA) of 2000. Since refugees, asylees and trafficking victims with continued presence or who are T visa applicants are not required under U.S. immigration laws to have a sponsor, they are not subject to sponsor deeming. *See* OFFICE OF FAMILY ASSISTANCE, U.S. DEP'T OF HEALTH & HUM. SERV., *TANF-ACF-PI-2003-03 (Deeming of Sponsor's Income and Resources to A Non-Citizen)* (April 17, 2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0.

[24] 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)).

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

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

[27] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

[28] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1). SIJS applicant with a military connection is eligible without five-year bar. *See* 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2).

[29] 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. *See* 8 U.S.C. § 1631; DEP'T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, *TANF-ACF-PI-2003-03 (Deeming of Sponsor's Income and Resources To A Non-Citizen),* (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0

[30]Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R.§204.2(c)(1). *See,* Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) http://niwaplibrary.wcl.american.edu/pubs/extreme-

cruelty-examples-protection-order-2. Victims of domestic violence and child abuse as defined under state law also qualify. See, N.J. Stat. Ann. § 2C:25-19; N.J. Stat. Ann. § 9:6-8.21, N.J. Stat. Ann. § 2C:25-28. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse and http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart.

[31] N.J. Admin. Code § 10:90-2.10; NAT'L IMMIGR. L. CTR., *Table 8: State Funded TANF Replacement Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 102-03 (4th ed. 2002, table updated Aug. 2016), https://www.nilc.org/issues/economic-support/guide_tanf/. *See also Citizenship*, N.J. DEP'T OF HUMAN SERVS. DIV. OF FAMILY DEV., http://www.state.nj.us/humanservices/dfd/programs/workfirstnj/citizenship/ (last visited May 24, 2018).

[32] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1).

[33] 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 immigraiton status does not require sponsorship. 8 U.S.C. § 1631; DEP'T OF HEALTH & HUM. SERVS., OFF. OF FAM. ASSISTANCE, *TANF-ACF-PI-2003-03 (Deeming of Sponsor's Income and Resources To A Non-Citizen),* (2003), https://www.acf.hhs.gov/ofa/resource/policy/pi-ofa/2003/pi2003-2htm-0

[34]Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R.§204.2(c)(1). *See*, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2. Victims of domestic violence and child abuse as defined under state law also qualify. See, N.J. Stat. Ann. § 2C:25-19; N.J. Stat. Ann. § 9:6-8.21, N.J. Stat. Ann. § 2C:25-28. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse and http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart.

[35] N.J. Admin. Code § 10:90-2.10; NAT'L IMMIGR. L. CTR., *Table 8: State Funded TANF Replacement Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 102-03 (4th ed. 2002, table updated Aug. 2016), https://www.nilc.org/issues/economic-support/guide_tanf/. *See also Citizenship*, N.J. DEP'T OF HUMAN SERVS. DIV. OF FAMILY DEV., http://www.state.nj.us/humanservices/dfd/programs/workfirstnj/citizenship/ (last visited May 24, 2018).

[36] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

[37] NAT'L IMMIGR. L. CTR.., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

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

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

[40] *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.)

[41]Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R.§204.2(c)(1). *See*, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2. Victims of domestic violence and child abuse as defined under state law also qualify. See, N.J. Stat. Ann. § 2C:25-19; N.J. Stat. Ann. § 9:6-8.21, N.J. Stat. Ann. § 2C:25-28. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse and http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart.

[42] 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/.
[43] *See* 8 U.S.C. § 1641(b)(2)-(3). NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[44] *See* 22 U.S.C. § 7105(b)(1); NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[45] *See* 8 U.S.C. § 1641(c)(4). NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[46] *See* 8 U.S.C. § 1641(c)(4). NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[47] OFFICE ON TRAFFICKING IN PERSONS, U.S. DEP'T OF HEALTH & HUM. SERV., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf; NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).
[48] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S 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. 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).
[49] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[50] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[51] In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. **U.S. Department of Health and Human Services,** Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), https://www.acf.hhs.gov/occ/resource/pi-2008-01. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. *See* 8 U.S.C. § 1641(c).
[52] 8 U.S.C. §§ 1612(b)(2)(A)(ii); Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. **U.S. Department of Health and Human Services,** Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), https://www.acf.hhs.gov/occ/resource/pi-2008-01. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. *See* 8 U.S.C. § 1641(b)(1).
[53]Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R.§204.2(c)(1). *See*, Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2. Victims of domestic violence and child abuse as defined under state law also qualify. See, N.J. Stat. Ann. § 2C:25-19; N.J. Stat. Ann. § 9:6-8.21, N.J. Stat. Ann. § 2C:25-28. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse and http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart.
[54] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; Benish Anver & Leslye E. Orloff, *Immigrant Crime Victim Child Care Access*, NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 13, 2013), http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/. *See* 8 U.S.C. § 1641(b)(1).
[55] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf.
[56] In determining Child Care Development Fund direct eligibility for subsidized child care, eligibility is based on then citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. Citizen and qualified immigrant children are directly eligible for all CCDF funded child care, including but not limited to child care provided by non-profit charitable organizations. **U.S. Department of Health and Human Services,** Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), https://www.acf.hhs.gov/occ/resource/pi-2008-01. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. *See* 8 U.S.C. § 1641(c).

[57] 8 U.S.C. §§ 1612(b)(2)(A)(ii); Eligibility is based on the citizenship or immigration status of the child. The immigration status of the child's parent or parents is not relevant to this determination. **U.S. Department of Health and Human Services,** Verification of Citizenship and Immigration Status by Non-Profit Organizations and Head Start Grantees, in OFFICE OF CHILD CARE (May 2, 2008), https://www.acf.hhs.gov/occ/resource/pi-2008-01. NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf. *See* 8 U.S.C. § 1641(b)(1).

[58]Abused immigrants include immigrants who have suffered battering or extreme cruelty as defined by U.S. immigration laws. 8 C.F.R.§204.2(c)(1). *See,* Leslye E. Orloff, Brittnay Roberts and Stefanie Gitler, "Battering or Extreme Cruelty" Drawing Examples from Civil Protection Order and Family Law Cases (September 12, 2015) http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order-2. Victims of domestic violence and child abuse as defined under state law also qualify. See, N.J. Stat. Ann. § 2C:25-19; N.J. Stat. Ann. § 9:6-8.21, N.J. Stat. Ann. § 2C:25-28. *See*, Tolulope Adetayo, Rafaela Rodrigues, Chloe Canetti & Leslye E. Orloff, State Law Definitions of Domestic Violence Include Child Abuse, http://niwaplibrary.wcl.american.edu/pubs/appendix-n-domestic-violence-abuse-and-neglect; Chloe Canetti & Leslye E. Orloff, State Law Definitions of Child Abuse and http://niwaplibrary.wcl.american.edu/pubs/appendix-k-state-law-definitions-of-child-abuse-chart.

[59] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; 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/. *See* 8 U.S.C. § 1641(b)(1).

[60] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; *see Applying for a Child Care Subsidy*, N.J. DEP'T OF HUMAN SERVS. DIV. OF FAMILY DEVELOPMENT, http://www.childcarenj.gov/Parents/SubsidyProgram (last visited May 24, 2018).

[61] NAT'L IMMIGR. L. CTR., GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 116, 117 (4th ed. 2002, rev. 2006), https://www.nilc.org/wp-content/uploads/2016/03/childcare_pp116-17_053106.pdf; *see Applying for a Child Care Subsidy*, N.J. DEP'T OF HUMAN SERVS. DIV. OF FAMILY DEVELOPMENT, http://www.childcarenj.gov/Parents/SubsidyProgram (last visited May 24, 2018).

[62] *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.)

[63] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018); *See* 8 U.S.C. § 1641(c); *See also* 8 U.S.C. § 1612(a)(1)-1612(a)(2). Battered immigrants are not subject to deeming for at least 12 months, with the possibility of extension. *See Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, available at https://www.fns.usda.gov/snap/eligibility/non-citizen-eligibility (last accessed Apr. 29, 2023)

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

[65] *See* 8 USC §1612(a)(2)(A) and (L). Directly eligible for SNAP as refugees and asylees for seven years. However, they retain eligibility past the seven years since they will have transitioned into qualified immigrant status, with indefinite eligibility for SNAP, after five years. *See* 8 U.S.C. § 1641(b)(2)-(3). *See also* Nat'l Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 8 U.S.C. § 1641(b)(2)-(3). See also *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019). https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf

[66] 8 U.S.C. § 1641(c)(4); NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).

[67]*See* 22 U.S.C. § 7105(b) (1). Eligible to the same extent as refugees. (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).

[68] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018);. *See* 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)).

[69] 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).
[70] 22 U.S.C. § 7105(b). Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification). *See* NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).
[71] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).
[72] *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).
[73] *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). Five-year residency includes time in qualified status prior to turning 18. When SIJS children become qualified immigrants, they may be exempt from deeming when they naturalize, or if they can show they are credited with 40 qualifying quarters of work, or if they are eligible for a 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S.C. § 1631; *Supplemental Nutrition Assistance Program Guidance on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, at 31-33, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf (last accessed Mar. 13, 2019).
[74] *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.).
[75] *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). May be subject to deeming.
[76] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018).
[77] *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (Eligible children are exempt from sponsor deeming.).
[78] *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (Five-year residency includes time in qualified status prior to turning 18.). May be subject to deeming.
[79] *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.).
[80] *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). (Born on or before August 22, 1931 and lawfully resided in the U.S. on August 22, 1996.). May be subject to deeming.
[81] *SNAP Policy on Non-Citizen Eligibility*, U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM, https://www.fns.usda.gov/snap/snap-policy-non-citizen-eligibility (last accessed Oct. 24, 2018). May be subject to deeming.
[82] 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).
[83] *WIC Contacts*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., https://www.fns.usda.gov/wic/wic-contacts (last visited June 14, 2018).
[84] *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).
[85] *Find a WIC Local Agency Near Me*, NJ DEP'T OF HEALTH, http://www.state.nj.us/health/fhs/wic/participants/find-wic/index.shtml (last visited June 20, 2018).
[86] *New Jersey WIC Income Eligibility Guidelines*, NJ DEP'T OF HEALTH, http://www.state.nj.us/health/fhs/wic/participants/apply-wic/income.shtml (last visited June 20, 2018).
[87] 8 U.S.C. § 1641(c); HealthCare.gov, Immigrants, Immigration status and the Marketplace (last visited November 29, 2023) (Listing immigrants with which immigration statuses are legally able to use the Marketplace); *See* NAT'L IMMIGRATION LAW CTR.,"LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf. *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/.

[88] 8 U.S.C. § 1641(c); HealthCare.gov, Immigrants, Immigration status and the Marketplace (last visited November 29, 2023) (Listing immigrants with which immigration statuses are legally able to use the Marketplace); *See* NAT'L IMMIGRATION LAW CTR.,"LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf. *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/.

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

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

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

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

[93] 42 C.F.R. § 435.4(2)(ii), (iv), and (v); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/.

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

[95] 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).

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

[97] 45 C.F.R. 152.2(4)(vi); 8 C.F.R. 236.22. (Beginning November 1, 2024 recipients of Deferred Action for Childhood Arrivals (DACA) are eligible for access to state and federal healthcare exchanges.); *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-

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

[98] 45 C.F.R. 152.2(7); NAT'L IMMIGRATION LAW CTR.,"LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2016), https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf; *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/.

[99] 45 C.F.R. 152.2(4)(vi); U visa bona fide determinations come with deferred action which is protection from deportation and which makes U visa applicants eligible for health care as lawfully residing immigrant. Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/; *See*, CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS), DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS), CLARIFYING THE ELIGIBILITY OF DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) RECIPIENTS AND CERTAIN OTHER NONCITIZENS FOR A QUALIFIED HEALTH PLAN THROUGH AN EXCHANGE, ADVANCE PAYMENTS OF THE PREMIUM TAX CREDIT, COST-SHARING REDUCTIONS, AND A BASIC HEALTH PROGRAM (May 8, 2024) https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/.

[100] [100] 45 C.F.R. 152.2(4)(vi); Cindy Mann, CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP'T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR "LAWFULLY RESIDING" CHILDREN AND PREGNANT WOMEN 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/; Carly Erickson & Leslye E. Orloff, *U-Visa Victim Benefits under the Affordable Care Act (ACA)*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (June 18, 2014), http://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/; *See*, Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS), *Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a Basic Health Program* (May 8, 2024) https://niwaplibrary.wcl.american.edu/pubs/2024-final-aca-daca-fed-reg/; Leslye E. Orloff, *Health Care Access for Lawfully Present Immigrants – Definitions* (May 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/.

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

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

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

[104] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).

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

[106] 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/.

[107] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

[108] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us

[109] NJ Dep't. of Hum. Servs., Plan First Program (last visited Jan. 18, 2025) https://njfamilycare.dhs.state.nj.us/plan_first.aspx.

[110] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.
[111] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.
[112] 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 Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.
[113] 22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. *See also* Nat'l Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.
[114] 42 C.F.R. § 435.4(2)(ii), (iv), and (v).
[115] *See* 8 U.S.C. § 1641(c)(4).
[116] 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/.
[117] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
[118] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us
[119] NJ Dep't. of Hum. Servs., Plan First Program (last visited Jan. 18, 2025) https://njfamilycare.dhs.state.nj.us/plan_first.aspx.
[120] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.
[121] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.
[122] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). *See also* 8 U.S.C. § 1641(c)(4). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed, since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits.
[123] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; 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).
[124] 22 U.S.C. § 7105(b)(1). Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS

17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

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

[126] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

[127] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us

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

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

[130] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us

[131] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.

[132] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.

[133] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1).

[134] 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/.

[135] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

[136] N.J. Admin. Code 10:79-3.2; *see Immigrant Information*, NJ FAM. CARE, http://www.njfamilycare.org/imm_info.aspx (last visited July 16, 2018); 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.

[137] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us

[138] NJ Dep't. of Hum. Servs., Plan First Program (last visited Jan. 18, 2025) https://njfamilycare.dhs.state.nj.us/plan_first.aspx.

[139] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.

[140] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.

[141] 8 U.S.C. § 1641(b)(1). NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

[142] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1).
[143] 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/.
[144] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
[145] 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 PERSONS 3 (2010), http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/.
[146] N.J. Admin. Code 10:78-3.2; *see Immigrant Information*, NJ FAM. CARE, http://www.njfamilycare.org/imm_info.aspx (last visited July 16, 2018); 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.
[147] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us
[148] NJ Dep't. of Hum. Servs., Plan First Program (last visited Jan. 18, 2025) https://njfamilycare.dhs.state.nj.us/plan_first.aspx.
[149] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.
[150] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.
[151] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
[152] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
[153] NAT'L IMMIGR. L. CTR., *Table: 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. Jul, 0201), https://www.nilc.org/wp-content/uploads/2015/11/med-services-for-imms-in-states.pdf.
[154] N.J. Admin. Code 10:78-3.4(a)(3); 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.
[155] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us
[156] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
[157] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
[158] N.J. Admin. Code 10:78-7.1(b)(1)(c); *see Children 18 and Under*, NJ FAM. CARE, *Who is Eligible?*, http://www.njfamilycare.org/who_eligbl.aspx (last visited July 16, 2018). 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.

[159] N.J. Admin. Code 10:78-3.4(a)(3); 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.
[160] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us
[161] Footnotes in this section contain additional details on health care subsidies, including co-pays that may be required. They contain further state by state information on health care access for immigrant survivors of domestic and sexual violence. *See* MORGAN, LEWIS & BOCKIUS, LLP *Chapter 17.1: Emergency Medicaid – Urgent Medical Services for Immigrant Crime Victims and Children*, NAT'L IMMIGRANT WOMEN'S ADVOCACY PROJECT (December 2016), http://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid; *see id. Chapter 17.2: Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services* (February 12, 2017) http://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims; *see id*. *Chapter 17.3: Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence* (June 13, 2017) http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation; *see id. Chapter 17.4: Pre-Natal and Child Health Care For Immigrant Victims and Their Children* (February 17, 2017) http://niwaplibrary.wcl.american.edu/pubs/ch17-4-prenatal-care.
[162] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(c).
[163] *Immigrants, Coverage for U.S. Citizens and U.S. Nationals*, HEALTHCARE.GOV (last visited February 27, 2024) https://www.healthcare.gov/immigrants/us-citizens-and-nationals/.NAT'L IMMIGR. L. CTR.,"LAWFULLY PRESENT" INDIVIDUALS ELIGIBLE UNDER THE AFFORDABLE CARE ACT 5 (2012, rev. 2022), https://www.nilc.org/wp-content/uploads/2022/12/Lawfully-Present-Individuals-Eligible-Under-ACA.-PDF.pdf. *See* 8 U.S.C. § 1641(c).
[164] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.
[165] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
[166] N.J. Admin. Code 10:78-3.2(b)(1) and (12). The Code specifies that VAWA self-petitioners are exempt from the five-year bar. 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; *see also* Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State* , NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 12, 2013), http://library.niwap.org/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf; *see Immigrant Information*, NJ FAM. CARE, http://www.njfamilycare.org/imm_info.aspx (last visited June 19, 2018).
[167] NJ Dep't. of Hum. Servs., Plan First Program (last visited Jan. 18, 2025) https://njfamilycare.dhs.state.nj.us/plan_first.aspx.
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[170] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us/njspcp.aspx.
[171] N.J.A.C. § 10:78-3.2.
[172] N.J.A.C §§ 10:78-3.2-3.3.
[173] 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 Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.
[174] 22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. *See also* Nat'l Immigr. L. Ctr., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Mar.

2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

[175] *See* 8 U.S.C. § 1641(c)(4).

[176] 42 C.F.R. § 435.4(2)(ii), (iv), and (v).

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

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

[179] NJ Dep't. of Hum. Servs., Plan First Program (last visited Jan. 18, 2025) https://njfamilycare.dhs.state.nj.us/plan_first.aspx.

[180] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.

[181] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.

[182] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us/njspcp.aspx.

[183] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

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[185] 22 U.S.C. § 7105(b)(1). Bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)).

[186] 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/.

[187] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also,* Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

[188] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us/njspcp.aspx.

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

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

[191] Center for Medicare and Medicaid Services, CMS Extends Medicaid Postpartum Coverage in New Jersey for Over 8,000 People (October 28, 2021) https://www.cms.gov/newsroom/press-releases/cms-extends-medicaid-postpartum-coverage-new-jersey-over-8000-people.
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[194] 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/.
[195] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See,* Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also,* Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
[196] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. § 1641(b)(1).
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[202] N.J. Admin. Code 10:78-3.2(e)(2); 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; *see also* Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State* , NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 12, 2013), http://library.niwap.org/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf; *see Immigrant Information*, NJ FAM. CARE, http://www.njfamilycare.org/imm_info.aspx (last visited June 19, 2018).
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[204] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See,* Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also,* Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).
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[210] N.J. Admin. Code 10:78-3.4(a)(3); NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us; 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf.

[211] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us/njspcp.aspx.

[212] N.J. Admin. Code 10:78-3.2(e)(2); 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. 2024), https://www.nilc.org/wp-content/uploads/2024/01/med-services-for-imms-in-states-Jan_2024.pdf; *see also* Benish Anver & Leslye E. Orloff, *Medical Assistance Programs for Immigrants and Immigrant Crime Victims: State by State* , NAT'L IMMIGRATION WOMEN'S ADVOCACY PROJECT (Mar. 12, 2013), http://library.niwap.org/wp-content/uploads/2015/pdf/PB-Chart-MedicalAssistanceProgramsState-11.28.14.pdf; *see Immigrant Information*, NJ FAM. CARE, http://www.njfamilycare.org/imm_info.aspx (last visited June 19, 2018).

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

[214] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

[215] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us/njspcp.aspx.

[216] 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/.

[217] 42 U.S.C. §3796gg-4 (The Violence Against Women Act requires that all state and local governments receiving STOP grants incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault); *See*, Michael Carlton, Peter Daub, Jennifer Feldsher, Lindsay Jackson, Daniel Kleinman, Sid Rajagopal, Michael Richman, Joseph Riley, Christine Schleppegrell, and Vasya Strizh, *Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services* (August 2, 2024), https://niwaplibrary.wcl.american.edu/pubs/niwap-forensic-exam-coverage/. *See also*, Rafaela Rodrigues and Leslye E. Orloff, *Health Care Options for Immigrant Survivors Factsheet* (June 20, 2024), https://niwaplibrary.wcl.american.edu/pubs/health-care-options-immigrant-survivors-factsheet/ (Discussing the steps nurses, victim advocates, and attorneys can take to help immigrant sexual assault survivors cover the costs of the health care and mental health care that are not included in the costs that the state covers that are part of the forensic medical examination).

[218] NJ Dep't. of Hum. Servs., NJ FamilyCare, NJ Dep't. of Hum. Servs., (last visited May 2, 2024) https://njfamilycare.dhs.state.nj.us/njspcp.aspx.

[219]Victims of Crime Act (VOCA) compensation for crime victims is a program providing services necessary to protect health and safety of crime victims that helps victims heal and overcome the emotional and financial impact of crime victimization on their lives. VOCA compensation is separate from and does not fall within the definitions of "federal public benefit" or "state public benefit" under U.S. public benefits laws and thus is open to all crime victims without regard to immigration status. *See*, Joye E. Frost, Office for Victims of Crime, U.S. Department of Justice, Letter ro Cassie T Jones Alabama Crime Victims' Compensation Commission (July 2, 2010) available at https://niwaplibrary.wcl.american.edu/pubs/ojp-ovc-letter-on-access-to-voca-victim-compensation-7-2-2010; For an overview of what types of victim compensation are covered by VOCA compensation programs in each state *see*, Leslye Orloff, Katelyn Deibler and Annie Roebuck, *Post-Assault Healthcare and Victims of Crime Act Coverage for Domestic and Sexual Violence Victims* (July 18, 2018) available at: https://niwaplibrary.wcl.american.edu/pubs/post-assault-coverage-chart; and : Sarah Andrews, Vanessa Brown, Aurora de Heer, Joseph Leonard, Ryan Lighty, Katherine O'Keefe, Celia Soehner, William Springer, Josh Sterling, Linda Way-Smith, Beau Yanoshik, Morgan Lewis and Bockius, LLP and NIWAP, *Post-Assault Healthcare and Crime Victim Compensation for Immigrant Victims of Violence – Medical Coverage and Services for Immigrants* (July 13, 2018) available at https://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation (contains a more detailed discussion of VOCA compensation available in each state with links and citations).

[220] Employees who are eligible for Family Medical Leave Act (FMLA) protection under federal law in addition to the protections that state laws offer. Employers are required to comply with both state and federal FMLA laws and employees are entitled to take FMLA leave described in either state or federal law. Federal FMLA laws cover employees who work for companies with 50 or more employees within a 75-mile radius who have worked at least one year and a minimum of 1,250 hours within the previous year. U.S. DEP'T OF LABOR, WAGE & HOUR DIVISION, *Employer's Guide to The Family Medical Leave Act* 16-18, 68 available at https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/employerguide.pdf (last visited Sept. 1, 2022); *See also*, 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).

[221] The New Jersey Family Leave Act defines "eligible employee" as "any individual employed by the same employer for 12 months or more, who has worked 1,000 or more base hours during the preceding 12 month period." *See* N.J.S.A. 34:11B-1.2 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025)(Provides leave to bond with a newborn, a newly adopted child, or a seriously ill or injured loved one); See also, New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025) (Leave for sick, injured, or post surgery workers).

[222] The New Jersey Family Leave Act does not explicitly exclude individuals based on their immigration status but applies to "any employee" unless an exemption applies: 1) [t]he employee's base salary ranks within the highest paid five percent or his or her base salary is one of the seven highest, whichever number of employees is greater (for purposes of this exception, all employees of an employer whether employed in New Jersey or not shall be included in this calculation); 2) [t]he employer can demonstrate that the granting of the leave would cause a substantial and grievous economic injury to the employer's operations; and 3) [t]he employer notifies the employee of its intent to deny the leave when such determination is made." *See* N.J.S.A. 34:11B-1.9 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025); New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025).

[223] The New Jersey Family Leave Act does not explicitly exclude individuals based on their immigration status but applies to "any employee" unless an exemption applies: 1) [t]he employee's base salary ranks within the highest paid five percent or his or her base salary is one of the seven highest, whichever number of employees is greater (for purposes of this exception, all employees of an employer whether employed in New Jersey or not shall be included in this calculation); 2) [t]he employer can demonstrate that the granting of the leave would cause a substantial and grievous economic injury to the employer's operations; and 3) [t]he employer notifies the employee of its intent to deny the leave when such determination is made." *See* N.J.S.A. 34:11B-1.9 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025); New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025).

[224] The New Jersey Family Leave Act does not explicitly exclude individuals based on their immigration status but applies to "any employee" unless an exemption applies: 1) [t]he employee's base salary ranks within the highest paid five percent or his or her base salary is one of the seven highest, whichever number of employees is greater (for purposes of this exception, all employees of an employer whether employed in New Jersey or not shall be included in this calculation); 2) [t]he employer can demonstrate that the granting of the leave would cause a substantial and grievous economic injury to the employer's operations; and 3) [t]he employer notifies the employee of its intent to deny the leave when such determination is made." *See* N.J.S.A. 34:11B-1.9 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025); New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025).

[225] The New Jersey Family Leave Act does not explicitly exclude individuals based on their immigration status but applies to "any employee" unless an exemption applies: 1) [t]he employee's base salary ranks within the highest paid five percent or his or her base salary is one of the seven highest, whichever number of employees is greater (for purposes of this exception, all employees of an employer whether employed in New Jersey or not shall be included in this calculation); 2) [t]he employer can demonstrate that the granting of the leave would cause a substantial and grievous economic injury to the employer's operations; and 3) [t]he employer notifies the employee of its intent to deny the leave when such determination is made." *See* N.J.S.A. 34:11B-1.9 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025); New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025).

[226] The New Jersey Family Leave Act does not explicitly exclude individuals based on their immigration status but applies to "any employee" unless an exemption applies: 1) [t]he employee's base salary ranks within the highest paid five percent or his or her base salary is one of the seven highest, whichever number of employees is greater (for purposes of this exception, all employees of an employer whether employed in New Jersey or not shall be included in this calculation); 2) [t]he employer can demonstrate that the granting of the leave would cause a substantial and grievous economic injury to the employer's operations; and 3) [t]he employer notifies the employee of its intent to deny the leave when such determination is made." *See* N.J.S.A. 34:11B-1.9 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025); New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025).

[227] The New Jersey Family Leave Act does not explicitly exclude individuals based on their immigration status but applies to "any employee" unless an exemption applies: 1) [t]he employee's base salary ranks within the highest paid five percent or his or her base salary is one of the seven highest, whichever number of employees is greater (for purposes of this exception, all employees of an employer whether employed in New Jersey or not shall be included in this calculation); 2) [t]he employer can demonstrate that the granting of the leave would cause a substantial and grievous economic injury to the employer's operations; and 3) [t]he employer notifies the employee of its intent to deny the leave when such determination is made." *See* N.J.S.A. 34:11B-1.9 (2020); See, New Jersey Department of Labor and Workforce Development, Family Leave Insurance, https://nj.gov/labor/myleavebenefits/worker/fli/index.shtml (last visited Jan. 18, 2025); New Jersey Department of Labor and Workforce Development, Division of Temporary Disability and Family Leave Insurance https://nj.gov/labor/myleavebenefits/worker/tdi/ (last visited Jan. 18, 2025).

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[230] *See generally* OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FED. STUDENT AID, 2023-2024 FED. STUDENT AID HANDBOOK (DEC. 7, 2022) (2016), https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens. (The information in this section applies to all student financial aid including grants and loans.).

[231] OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (LAST VISITED FEB. 29, 2024), https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens; Daniel T. Madzelan, 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., FED. STUDENT AID, 2023-2024 FED. STUDENT AID HANDBOOK (DEC. 7, 2022) 1-33, 1-34 (2016), https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens..

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

[233] OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (LAST VISITED FEB. 29, 2024), https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens. *See* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FED. STUDENT AID, 2023-2024 FED. STUDENT AID HANDBOOK (DEC. 7, 2022) 1-29 (2016), https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens..

[234] OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (LAST VISITED FEB. 29, 2024), https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens. *See* 22 U.S.C. § 7105(b); OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., FED. STUDENT AID, 2023-2024 FED. STUDENT AID HANDBOOK (DEC. 7, 2022) 1-33 (2016), https://fsapartners.ed.gov/knowledge-center/fsa-handbook/2023-2024/vol1/ch2-us-citizenship-eligible-noncitizens..

[235] OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (LAST VISITED FEB. 29, 2024), https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens.

[236] OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (LAST VISITED FEB. 29, 2024), https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens. *See* 8 U.S.C. § 1641(b)(1).

[237] OFFICE OF FED. STUDENT AID, U.S. DEP'T OF EDUC., ELIGIBILITY FOR NON-U.S. CITIZENS (LAST VISITED FEB. 29, 2024), https://studentaid.gov/understand-aid/eligibility/requirements/non-us-citizens. *See* 8 U.S.C. § 1641(b)(1).

[238] 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/.

[239] 2024 New Jersey Revised Statutes, Title 18A – Education Section 18A:71B—2.1; *See Toolkit: Access to Postsecondary Education*, NAT'L IMMIGR. L. CTR. (Mar. 2024), https://www.nilc.org/issues/education/eduaccesstoolkit2a/#tables.

[240] 2024 New Jersey Revised Statutes, Title 18A – Education Section 18A:62-4.4.

[241] N.J. Admin. Code 9A:5-3.1.

[242] 2024 New Jersey Revised Statutes, Title 18A – Education Section 18A:62-4.6.

[243] 024 New Jersey Revised Statutes, Title 18A – Education Section 18A:71B-2.6.

[244] 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.).

[245] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. 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).
[246] *See* 8 U.S.C. § 1612(a)(2)(H).
[247] *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), https://fas.org/sgp/crs/misc/RL33809.pdf. In 2018, $5,280 = 4 quarters of work credit. https://www.ssa.gov/oact/cola/QC.html.
[248] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. 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.).
[249] SOC. SEC. ADMIN., *Understanding Supplemental Security Income SSI, Eligibility Requirements – 2023 Edition, Supplemental Security Income (SSI) Eligibility Requirements,* https://www.ssa.gov/ssi/text-eligibility-ussi.htm (last visited November 29, 2023).
[250] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. 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.
[251] *See* 22 U.S.C. § 7105(b).
[252]22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. *See* 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran's family. *See* § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. *See* state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm.
[253] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. 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).
[254] *See* 8 U.S.C. § 1612(a)(2)(H).
[255] See 8 U.S.C. § 1641(c)(4).
[256] 22 U.S.C. § 7105(b); *See* NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. SECURITY ADMIN., SPOTLIGHT ON SSI BENEFITS FOR ALIENS (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm.
[257] *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), https://fas.org/sgp/crs/misc/RL33809.pdf. In 2018, $5,280 = 4 quarters of work credit. https://www.ssa.gov/oact/cola/QC.html.
[258] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. 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.).
[259] *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), https://fas.org/sgp/crs/misc/RL33809.pdf. In 2018, $5,280 = 4 quarters of work credit. https://www.ssa.gov/oact/cola/QC.html.
[260] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/; SOC. 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).
[261] *See* 8 U.S.C. § 1612(a)(2)(H).
[262] *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), https://fas.org/sgp/crs/misc/RL33809.pdf. In 2018, $5,280 = 4 quarters of work credit. https://www.ssa.gov/oact/cola/QC.html.
[263] *Noncitizen Eligibility for Federal Public Assistance: Policy Overview*, CONGRESSIONAL RESEARCH SERVICE, Alison Siskin, Specialist in Immigration Policy (Dec. 12, 2016) (p. 10, note a), https://fas.org/sgp/crs/misc/RL33809.pdf. In 2018, $5,280 = 4 quarters of work credit. https://www.ssa.gov/oact/cola/QC.html.

[264]New Jersey Senate Bill S. 2455, *Concerning professional and occupational licenses and supplementing Title 45 of the Revised Statutes.*(September 1, 2020) available athttps://pub.njleg.gov/bills/2020/AL20/75_.HTM (Lawful presence is not required to obtain any professional or occupational license in New Jersey).
[265] Higher Ed. Immigration Portal, State Requirements for Business and Tax Registration for Immigrants: New Jersey (July 2023) https://www.higheredimmigrationportal.org/wp-content/uploads/2023/10/New-Jersey-Business-and-Tax-State-Requirements.pdf.
[266] 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/.
[267] 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/.
[268] *See* 6 C.F.R. § 37.11(g)(1) (2012).
[269] *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.
[270] *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).
[271] *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.
[272] N.J. Admin. Code 13:21-8.2.
[273] *Initial License*, NJ MOTOR VEHICLE COMM'N, http://www.state.nj.us/mvc/license/initiallicense.htm (last accessed June 20, 2018).
[274] NJ MOTOR VEHICLE COMM'N, *6 Point ID Verification Program Requirements*, http://www.state.nj.us/mvc/pdf/license/ident_ver_posterpint.pdf.
[275] 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/.
[276] VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.
[277] VAWA self-petitioners receive employment authorization once their case has been approved. Trafficking victims receive legal work authorization based on HHS certification for victims with continued presence and for T visa applicants with bona fide determinations. U visa applicants will receive work authorization after their case has been wait-list approved based on deferred action. Asylum applicants become eligible for work authorization approximately 6 months after filing for asylum. DACA recipients receive work authorization based on deferred action and SIJS children receive work authorization once they are granted lawful permanent residency. Once an immigrant receives legal work authorization from DHS they can apply for and receive a Social Security Number.
[278] New Jersey S 3229; A 4743 (January 1, 2021) NAT'L IMMIGR. L. CTR., STATE LAWS PROVIDING ACCESS TO DRIVER'S LICENSES OR CARDS, REGARDLESS OF IMMIGRATION STATUS (2021), https://www.nilc.org/wp-content/uploads/2015/11/drivers-license-access-table.pdf
[279] 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).
[280] 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/.
[281] *See for example, Emergency Solutions Grant BERGEN COUNTY DIVISION OF COMMUNITY DEVELOPMENT*, https://co.bergen.nj.us/community-development/emergency-solutions-grant-esg (last visited Sept. 4, 2020).
[282] *Emergency Assistance*, N.J. DEPT OF HUMAN SERVS., DIV. OF FAMILY DEV.., http://www.state.nj.us/humanservices/dfd/programs/emergency/ (last visited May 24, 2018).
[283] 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, *Eligiblity 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).

[284] *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).

[285] 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).

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

[287] 42 U.S.C. § 1436a(a)(1).

[288] *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.").

[289] *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/.

[290] 24 C.F.R. § 5.506(a)(1).

[291] *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.").

[292] *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/.

[293] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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, 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/.

[294] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See* 8 U.S.C. §§ 1641(b)(2)-(3), (c)(4).

[295] *See* 42 U.S.C. § 1485.

[296] *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/.

[297] *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).

[298] *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).

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

[300] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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.

[301] *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)).

[302] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. *See 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.

[303] *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/.

[304] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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.

[305] *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/.

[306] 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).

[307] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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.

[308] *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/.

[309] 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).

[310] *See* 8 U.S.C. § 1641(b)(1).

[311] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

[312] *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).

[313] *See* 8 U.S.C. § 1641(b)(1) (2012).

[314] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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. SIJS applicants and recipients prior to receipt of lawful permanent residency will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.

[315] *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/.

[316] 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).

[317] *See* 8 U.S.C. § 1641(b)(1).

[318] NAT'L IMMIGR. L. CTR., *Table 1: Overview of Immigrant Eligibility for Federal Programs in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Mar. 2023), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

[319] *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).

[320] *See* 8 U.S.C. § 1641(b)(1) (2012).

[321] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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 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.
[322] *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/.
[323] 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).
[324] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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 U visa applicants upon receipt of lawful permanent residency, 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.
[325] *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/.
[326] 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).
[327] See *Low Income Housing Tax Credits Resources*, NJ HOUS. & MORTG. FIN. AGENCY, http://www.state.nj.us/dca/hmfa/media/download/tax/ (last visited June 20, 2018).The New Jersey Housing and Mortgage Finance Agency 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.
[328] 26 U.S.C. § 24; U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 3 (2017).
[329] 26 U.S.C. § 24(f); U.S. DEP'T OF TREASURY, I.R.S., PUB. 972, CHILD TAX CREDIT, at 2 (2017).
[330] See https://www.irs.gov/individuals/individual-taxpayer-identification-number (IRS ITIN Information Page).
[331] 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).
[332] U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 3 (2017).
[333] U.S. DEP'T OF TREASURY, I.R.S., PUB. 503, CHILD AND DEPENDENT CARE EXPENSES, at 2 (2017).
[334] U.S. DEP'T OF TREASURY, I.R.S., WHO QUALIFIES FOR THE EARNED INCOME TAX CREDIT (EITC) (Jul.10, 2023), https://www.irs.gov/credits-deductions/individuals/earned-income-tax-credit/who-qualifies-for-the-earned-income-tax-credit-eitc.
[335] 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).
[336] 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).
[337] 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).
[338] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).
[339] 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018).
[340] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).
[341] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).
[342] 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018); U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).
[343] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).
[344] 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018).
[345] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).
[346] 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018).
[347] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).
[348] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).
[349] 26 U.S.C.A § 32(c)(1)(D) (West 2018); *see also* 26 U.S.C.A § 6013(g) (West 2018).
[350] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 4 (2018).
[351] 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).
[352] U.S. DEP'T OF TREASURY, I.R.S., PUB. 519, U.S. TAX GUIDE FOR ALIENS, at 1, 31-32 (2018).

[353] *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).

[354] 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).

[355] 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)).

[356] 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-accesspubliclyfundedls/.

[357] 45 C.F.R. § 1626.5(a).

[358] 45 C.F.R. § 1626.5(b).

[359] 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-accesspubliclyfundedls/.

[360] 45 C.F.R. § 1626.5(a)

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

[362] 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.").

[363] 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/.

[364] 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/.

[365] *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).

[366] *See* 45 C.F.R. § 1626.5(c).

[367] *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).
[368] *See* 45 C.F.R. § 1626.4(a)(2).
[369] 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.").
[370] 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/.
[371] 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/.
[372] *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).
[373] *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).
[374] *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).
[375] 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.").
[376] 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/.
[377] 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/.
[378] *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).
[379] *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).
[380] 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.).
[381] The abuse must either have occurred in the U.S. or violate U.S. law. *See* 45 C.F.R. § 1626.4(c).

[382] 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/.

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

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

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

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

[387] 45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) ("Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor), or forced prostitution may be considered acts of violence. Other abusive actions may also be acts of violence under certain circumstances, including acts that, in and of themselves, may not initially appear violent but that are a part of an overall pattern of violence."). *See* Leslye E. Orloff, Brittnay Roberts & Stefanie Gitler, *Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases*, NAT'L IMMIGRANT WOMEN'S 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).

[388] 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.).

[389] 45 C.F.R. 1626.4(b) ("Related legal assistance means legal assistance directly related" "to the prevention of, or obtaining relief from, the battery [or] cruelty" and "includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions)."). *See also* Benish Anver, Henrissa Bassey & Leslye E. Orloff, *Legal Services Access for All: Implementing the Violence Against Women Act of 2005*, NAT'L LEGAL AID & DEFENDER ASS'N CORNERSTONE Jan.-Apr. 2015, at 20, http://niwaplibrary.wcl.american.edu/pubs/anti-abuse-lsc-reg-articles-cornerstone_jan-apr-2015/ (describing Legal Services Corporation funded legal services available to immigrant victims of violence and their families); Benish Anver, Henrissa Bassey, & Leslye E. Orloff, *And Legal Services Access for All: Implementing the Violence Against Women Act of 2005's New Path to Legal Services Corporation Funded Representation for Immigrant Survivors of Domestic Violence, Sexual Assault, Human Trafficking, and Other Crimes*, NAT'L IMMIGRANT WOMEN'S 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/.

[390] *See* 45 C.F.R. § 1626.5(a).

[391] *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-accesspubliclyfundedls/.

[392] 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.").

[393] 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/.

[394] 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/.

[395] *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).

[396] 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).

[397] 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).

[398] "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-accesspubliclyfundedls/.

[399] *See* 45 C.F.R. § 1626.5(a).

[400] *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-accesspubliclyfundedls/.

[401] 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.").

[402] 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/.

[403] 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/.

[404] *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).

[405] *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).

[406] 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).

[407] 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/.

[408] 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.").

[409] 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/.

[410] 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/.

[411] *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).

[412] 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).

[413] *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.).

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

[415] *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

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[416] 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.").

[417] 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/.

[418] 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/.

[419] *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).

[421] 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).

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

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

[425] *See Weatherization Assistance Program*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.state.nj.us/dca/divisions/dhcr/offices/wap.html (last visited May 24, 2018); *see also Low Income Home Energy Assistance (LIHEAP)*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.nj.gov/dca/divisions/dhcr/offices/hea.html (last visited May 24, 2018).

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

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

[428] *See Weatherization Assistance Program*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.state.nj.us/dca/divisions/dhcr/offices/wap.html (last visited May 24, 2018); *see also Low Income Home Energy Assistance (LIHEAP)*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.nj.gov/dca/divisions/dhcr/offices/hea.html (last visited May 24, 2018).

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

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

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

[432] *See Weatherization Assistance Program*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.state.nj.us/dca/divisions/dhcr/offices/wap.html (last visited May 24, 2018); *see also Low Income Home Energy Assistance (LIHEAP)*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.nj.gov/dca/divisions/dhcr/offices/hea.html (last visited May 24, 2018).

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

[434] NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf. *See* 8 U.S.C. § 1641(b)(1).
[435] *See Weatherization Assistance Program*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.state.nj.us/dca/divisions/dhcr/offices/wap.html (last visited May 24, 2018); *see also Low Income Home Energy Assistance (LIHEAP)*, STATE OF N.J. DEP'T OF COMMUNITY AFFAIRS, http://www.nj.gov/dca/divisions/dhcr/offices/hea.html (last visited May 24, 2018).
[436] NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
[437] NAT'L IMMIGR. L. CTR., *Low-Income Home Energy (LIHEAP) and Weatherization Assistance Programs (WAP) in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 150, 150-51 (4th ed. 2002, rev. May 2006), https://www.nilc.org/wp-content/uploads/2016/03/liheapwap_pp150-51_053006.pdf.
[438] 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/.
[439] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/.
[440] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/;
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.
[441] *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/.
[442] 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).
[443] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). *See* 8 U.S.C. § 1641(c).
[444] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/. *See* 8 U.S.C. § 1641(c).
[445] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), "qualified" immigrants must have employment authorization). *See* 8 U.S.C. §§ 1641(b)(2)-(b)(3), (c)(4).
[446] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/. *See* 8 U.S.C. §§ 1641(b)(2)-(b)(3).
[447] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/. *See* 8 U.S.C. § 1641(c)(4).
[448] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). *See* 22 U.S.C. §§ 7105(b).
[449] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). *See* 22 U.S.C. §§ 7105(b).
[450] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), survivors of trafficking must have employment authorization). *See* 8 U.S.C. § 1641(b)(1).
[451] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/. *See* 8 U.S.C. § 1641(b)(1).
[452] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). *See* 8 U.S.C. § 1641(b)(1).
[453] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/. *See* 8 U.S.C. § 1641(b)(1).

[454] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/ (explaining that to receive Disaster Unemployment Assistance (DUA), LPRs must have employment authorization). *See* 8 U.S.C. § 1641(b)(1).
[455] NAT'L IMMIGR. L. CTR., *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters in* GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 162, 162-64 (4th ed. 2002, rev. Mar. 2024), https://www.nilc.org/issues/economic-support/disaster-help/. *See* 8 U.S.C. § 1641(b)(1).
[456] *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).
[457] 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.
[458] 8 U.S.C. § 1641(c)(1)(B)(i), or (ii); or 8 U.S.C. § 1641(c)(2), or (3).
[459] 8 U.S.C. § 1641(b)(3).
[460] 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).
[461] 8 U.S.C. § 1641(c)(4).
[462] 8 U.S.C. § 1641(c)(4).
[463] *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.").
[464] 8 U.S.C. § 1641(b)(1).
[465] 8 U.S.C. § 1641(b)(1).
[466] *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.").
[467] *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.").