## Access to State-Funded Public Benefits in Wyoming for Survivors, Based on Immigration Status

By: Monica Bates and Leslye E. Orloff

May 22, 2019

<table>
<thead>
<tr>
<th>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</th>
<th>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</th>
<th>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</th>
<th>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualified Immigrant&lt;sup&gt;b&lt;/sup&gt;</td>
<td>HHS Certification</td>
<td>Lawfully Present</td>
<td>Limited Benefits Eligibility&lt;sup&gt;c&lt;/sup&gt;</td>
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<tr>
<td>TANF</td>
<td>Eligible with prima facie determination, subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;8&lt;/sup&gt;</td>
<td>Refugee/Asylee: Eligible for TANF regardless of date of entry.&lt;sup&gt;12&lt;/sup&gt;</td>
<td>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</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996.&lt;sup&gt;21&lt;/sup&gt; (may be subject to deeming).&lt;sup&gt;22&lt;/sup&gt;</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996. 21 (may be subject to deeming).&lt;sup&gt;24&lt;/sup&gt;</td>
<td>No federal eligibility.&lt;sup&gt;25&lt;/sup&gt;</td>
<td>Not eligible. &lt;sup&gt;26&lt;/sup&gt;</td>
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</tbody>
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### Notes

<sup>a</sup> Federally funded public benefits are in non-italicized typeface and *state-funded public benefits are italicized.*

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

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


<sup>e</sup> See 8 U.S.C. § 1641(a)-(c). Qualified immigrants are: lawful permanent residents (LPRs); refugees; asylees; persons granted withholding of deportation/removal, conditional entry (as in effect prior to Apr. 1, 1980), or paroled into the U.S. for at least one year; Cuban/Haitian entrants, and certain battered immigrants. A battered immigrant is someone who: (1) (a) has been battered or subjected to extreme cruelty in the U.S. by a U.S. citizen or LPR spouse, parent or step-parent or member of the spouse/parent/step-parent’s family residing in the same household as the immigrant and the spouse/parent/step-parent consented to or acquiesced in such battery or cruelty, and there is a substantial connection between the battery or cruelty and the need for the public benefits, and (b) has been approved or has a petition or self-petition pending which sets forth a prima facie case for certain immigrant visa classifications, suspension of deportation, or cancellation of removal; or (2) is a victim of trafficking or a family member of a trafficking victim who has been granted T visa 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).
<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>deeming). In Wyoming, eligibility for the Personal Opportunities with Employment Responsibilities (POWER) program may be affected by deeming.</td>
<td>Victims of Trafficking and Violence Protection Act (TVPA) of 2000 to the same extent as refugees. At the state’s discretion, T visa holders or applicants eligible as qualified immigrants with prima facie (bona fide) determination, subject to five-year bar for those who entered on or after August 22, 1996.</td>
<td>determination (under 18). These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.</td>
<td>Family members with T visa status are eligible without HHS certification or determination; they are eligible to the same extent as refugees and thus eligible regardless of date of entry.</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in</td>
<td>Eligible for CCDF-funded child care open to all immigrants, when: (1) Child care is provided in settings subject to public</td>
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<td>TANF</td>
<td>Children with prima facie determination are qualified immigrants eligible for Child Care Development Fund</td>
<td>Children who are asylees or refugees are eligible for CCDF-funded child care and TANF-funded child care.</td>
<td>Human trafficking victims with an HHS Certification (based on continued presence or a bona fide determination on a T visa</td>
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<td>T Visa(^2/) Continued Presence(^3)</td>
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<td>(CCDF-funded child care)(^27)</td>
<td>T visa: Eligible for CCDF-funded child care and TANF-funded child care under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees.(^31)</td>
<td>Family members with T visa status eligible for CCDF-funded child care and TANF-funded child care, no need for HHS Certification or eligibility determination.(^36)</td>
<td>subject to public educational standards, including public or private pre-kindergarten or public and private child care provided after school or during school holidays; (2) Child care is subject to Head Start performance standards; or (3) Eligibility for child care services is determined by a nonprofit charitable organization.(^38)</td>
<td>not eligible.</td>
<td>not eligible.</td>
<td>not eligible.</td>
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<td>TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.(^28)</td>
<td>Children who are T visa holders or applicants with prima facie (bona fide) determination are eligible for CCDF-funded child care.(^32) They are also eligible for TANF-funded childcare subject to five-year bar for those who entered on or after August 22, 1996.(^33)</td>
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<td>In Wyoming, VAWA self-petitioners with prima facie determination are eligible for TANF-funded child care when they meet the TANF eligibility requirements described in the TANF section above.(^29)</td>
<td>In Wyoming, eligible for TANF-funded child care during the 5 years after obtaining this status.(^34)</td>
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<tr>
<td>SNAP (Food Stamps)(^46)</td>
<td>Eligible with prima facie determination, Refugee/Asylee: Eligible with no additional</td>
<td>Human trafficking victims are eligible: with an HHS</td>
<td>Not eligible.</td>
<td>Eligible upon receiving lawful permanent</td>
<td>Eligible upon receiving lawful permanent</td>
<td>Not eligible.</td>
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\(^{1}\) TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.

\(^{2}\) TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.

\(^{3}\) TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.

\(^{4}\) TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.

\(^{5}\) TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.

\(^{6}\) TANF-funded childcare subject to five-year bar for immigrants who entered on or after August 22, 1996.
<table>
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<th>SNAP</th>
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<td>subject to an additional condition, e.g.: five years residency, younger than 18, elderly, or disabled.&lt;sup&gt;47&lt;/sup&gt;</td>
<td>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).&lt;sup&gt;49&lt;/sup&gt; Also eligible under the Trafficking Victims Protection Act to the same extent as refugees.&lt;sup&gt;50&lt;/sup&gt;</td>
<td>Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18).&lt;sup&gt;51&lt;/sup&gt;</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.&lt;sup&gt;52&lt;/sup&gt;</td>
<td>residency, subject to an additional condition, e.g.: under 18,&lt;sup&gt;55&lt;/sup&gt; five years residency,&lt;sup&gt;56&lt;/sup&gt; 40 qualifying work quarters,&lt;sup&gt;57&lt;/sup&gt; or disabled.&lt;sup&gt;58&lt;/sup&gt;</td>
<td>residency, subject to an additional condition, e.g.: under 18,&lt;sup&gt;60&lt;/sup&gt; five years residency,&lt;sup&gt;61&lt;/sup&gt; 40 qualifying work quarters,&lt;sup&gt;62&lt;/sup&gt; elderly,&lt;sup&gt;63&lt;/sup&gt; or disabled.&lt;sup&gt;64&lt;/sup&gt;</td>
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The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) provides Federal grants to States for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding, and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk, without regard to immigration status.<sup>65</sup> 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.<sup>66</sup> 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).<sup>67</sup>

In Wyoming, applicants should contact a local clinic to schedule an appointment.<sup>68</sup> In Wyoming, income eligibility for applicants applying for their children is according to household size.<sup>69</sup>
<table>
<thead>
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<tr>
<td></td>
<td>Asylee: Eligible; applicants eligible if granted work authorization; applicants under 14 eligible if application pending at least 180 days.[^17]</td>
<td>Family members with T visa status eligible without HHS certification or eligibility determination.[^18]</td>
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<td>T Visa: Eligible with prima facie (bona fide) determination on T visa application.[^19]</td>
<td>These human trafficking victims are eligible to the same extent as refugees and thus are eligible regardless of date of entry.[^20]</td>
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<td>Child Health Insurance Program (CHIP)[^21]</td>
<td>Eligible with prima facie determination if arrived prior to August 22, 1996 and subject to five-year bar for those who arrived on or</td>
<td>Refugee/Asylee: Eligible, exempt from five-year bar.[^22]</td>
<td>Human trafficking victims are eligible with an HHS certification (based on continued presence or a bona fide determination)</td>
<td>Eligible for emergency Medicaid regardless of immigration status.[^23]</td>
<td>Eligible upon receiving lawful permanent residency, subject to five-year bar for those who arrived</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency.[^24]</td>
<td>Eligible for emergency Medicaid regardless of immigration status.[^25]</td>
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<td>T Visa: with HHS certification or</td>
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<td>Eligible for emergency Medicaid regardless of immigration status.[^26]</td>
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<td>Full-Scope Medicaid</td>
<td>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</td>
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<td>and subject to five-year bar for those who arrived on or after August 22, 1996&lt;sup&gt;102&lt;/sup&gt;</td>
<td>Eligible for emergency Medicaid regardless of immigration status&lt;sup&gt;103&lt;/sup&gt;</td>
<td>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&lt;sup&gt;106&lt;/sup&gt;</td>
<td>on continued presence or a bona fide determination on a T visa application or eligibility determination (under 18)&lt;sup&gt;109&lt;/sup&gt;</td>
<td>Family members with T visa status eligible without HHS Certification or eligibility determination&lt;sup&gt;110&lt;/sup&gt;</td>
<td>Eligible after receiving lawful permanent residency, subject to five-year bar for those who arrived on or after August 22, 1996&lt;sup&gt;116&lt;/sup&gt;</td>
<td>If entered prior to August 22, 1996, eligible upon attaining lawful permanent residency&lt;sup&gt;119&lt;/sup&gt;</td>
<td>If arrived on or after August 22, 1996, eligible upon receiving lawful permanent residency, subject to five-year bar&lt;sup&gt;120&lt;/sup&gt;</td>
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<tr>
<td><strong>Education-Federal Benefits: Federal Student Aid, Grants and Loans</strong>&lt;sup&gt;124&lt;/sup&gt;</td>
<td>With prima facie determination, eligible. 125</td>
<td>Refugees, Asylees, and T visa holders or T visa applicants with prima facie (bona fide) determination, an HHS Certification or eligibility letter are eligible for federal student aid. 126</td>
<td>Human trafficking victims eligible: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application), or with an HHS eligibility determination (under 18), and family members with T visa status, are eligible for federal student aid. 127</td>
<td>Not eligible for federal student aid. 128</td>
<td>Eligible for federal student aid upon receipt of lawful permanent residency. 129</td>
<td>Not eligible for federal student aid.</td>
<td>Not eligible for federal student aid.</td>
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</table>

**Education-State Law**

In Wyoming, applicants must graduate from a Wyoming high school to be eligible for resident tuition. Applicants must submit documentation for the remaining criteria to be classified as a resident for fee purposes. 131

<p>| <strong>Supplemental Security Income (SSI)</strong>&lt;sup&gt;132&lt;/sup&gt; | Eligible with prima facie determination if received SSI on August 22, 1996, or lawfully residing in the U.S. as of that date and now disabled. 133 | Refugees/Asylees: Eligible during first seven years after the status was granted. 135 Trafficking victims: Eligible under the Victims of Trafficking and Violence Protection Act of 2000 to the same extent as refugees. 136 T visa: Eligible as a qualified immigrant with | Human trafficking victims: with an HHS Certification (based on continued presence or a bona fide determination on a T visa application) or with an HHS eligibility determination (under 18), or family members with T visa status (no need for HHS certification or eligibility determination) are eligible to the same extent as refugees. 141 | Not eligible. 142 | Eligible upon receiving lawful permanent residency if: credited with 40 quarters of work&lt;sup&gt;144&lt;/sup&gt; 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. 145 | Not eligible. 147 | Not eligible. 148 |</p>
<table>
<thead>
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<td><strong>SSI</strong></td>
<td>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. May also be eligible with a prima facie determination if currently receiving SSI based on an application filed before 1979. This eligibility allows trafficking victims who are disabled to continue to receive SSI after the 7-years.</td>
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<td>be eligible if currently receiving SSI based on an application filed before 1979.</td>
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<td><strong>Driver’s License&lt;sup&gt;149&lt;/sup&gt;</strong></td>
<td>Under the REAL ID Act, evidence of “lawful status” is required for a driver’s license to be accepted by a federal agency for official purposes. The Department of Homeland Security (DHS), by regulation, lists specific documents that will provide satisfactory evidence of lawful status. All documentation for REAL ID compliant ID’s will be submitted through the Systematic Alien Verification for Entitlements Program (S.A.V.E.). DHS will also approve acceptance of other documentation issued by DHS or other Federal agencies demonstrating lawful status, as determined by USCIS. In addition, DHS permits states to establish an “Exception Process” and consider “Alternative Documents.”</td>
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In Wyoming, the following documentation is required: Proof of identity (including Permanent resident card, employment authorization document, Valid foreign passport with visa affixed and appropriate document regarding departure and arrival), 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, Proof of residence (Applicants need two proofs), Proof of Social Security.

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Certain federally assisted programs providing services necessary to protect life or safety must make those services available without regard to immigration status and may not withhold those services based on immigration status. Programs considered necessary for the protection of life or safety include, but are not limited to: short term shelter or transitional housing for the homeless, or for victims of domestic abuse, sexual assault, stalking, dating violence, or human trafficking, or for runaway, abused or abandoned children; crisis counseling and intervention programs; services and assistance relating to victims of domestic violence or other criminal activity, child protection, adult protective services, or violence and abuse prevention; soup kitchens, community food banks, senior nutrition programs and other nutritional programs for persons requiring special assistance (e.g., WIC); medical and public health services; mental health, disability, or substance abuse assistance necessary to protect life or safety; activities designed to protect the life or safety of workers, children and youths, or community residents; programs to help individuals during periods of adverse weather conditions.

The Housing First program assists those experiencing homelessness to find permanent housing and then provides voluntary supportive services.
<table>
<thead>
<tr>
<th>Public and Assisted Housing</th>
<th>VAWA Self-Petitioner(^d)</th>
<th>Refugee, Asylee, T Visa(^1)</th>
<th>T Visa(^2/) Continued Presence(^3)</th>
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<th>Undocumented</th>
</tr>
</thead>
</table>
| 514/516 Farm Labor Housing if immediate family member of eligible tenant.\(^166\) | Housing.\(^176\)  
_In Wyoming, may be eligible to live in Low Income Housing Tax Credit property._\(^177\) |  |  |  |  |  |  |  |
| Upon filing self-VAWA self-petition, remaining household member of eligible domestic farm laborer eligible to continue to occupy USDA Section 514/516 Farm Labor Housing unit.\(^167\) |  |  |  |  |  |  |  |  |
| Upon receiving lawful permanent residency, eligible for USDA Section 514/516 Farm Labor Housing.\(^168\) USDA Section 521 Rural Rental Assistance.\(^169\) |  |  |  |  |  |  |  |  |
| _In Wyoming, may be eligible to live in Low Income Housing Tax Credit property._\(^178\) |  |  |  |  |  |  |  |  |

### 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.\(^205\) A qualifying child must be a citizen, national, or resident of the U.S with an SSN or an Individual Taxpayer Identification Number (ITIN).\(^206\) Immigrants eligible to receive social security numbers include lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations, and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.\(^207\)
### Income Tax Credits

**Deferred Action for Childhood Arrivals (DACA)**

- Immigrants with social security numbers or Individual Taxpayer Identification Numbers (ITINs) can claim a child or dependent care tax credit on their income taxes when they care for:
  - A dependent child under the age of 13,
  - A spouse who is unable to physically or mentally care for themselves, or
  - An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.

**Special Immigrant Juvenile Status (SIJS)**

- Immigrants eligible to receive social security numbers include lawful permanent residents, refugees, asylees, and VAWA self-petitioners, T visa applicants with bona fide determinations and wait-list approved U visa applicants once they are granted work authorization. Any immigrant without regard to immigration status can obtain an ITIN.

**Child and Dependent Care Tax Credit**

- Immigrants with social security numbers or ITINs can claim a child or dependent care tax credit on their income taxes when they care for:
  - A dependent child under the age of 13,
  - A spouse who is unable to physically or mentally care for themselves, or
  - An individual who is unable to care for themselves, mentally or physically who has lived with the taxpayer for at least six months.

### Earned Income Tax Credit (EITC)

| Income Tax Credit (EITC) | VAWA self-petitioners who: have been granted work authorization or who are granted lawful permanent residency, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC). | Refugees, asylees, asylum applicants, and T visa holders with work authorization or lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC). | Recipients of T visa: bona fide determinations or continued presence who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC). | DACA applicants who: are granted work authorization, have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC). | SIJS recipients granted lawful permanent residency who: have lived in the U.S. at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC). | Wait-list approved U visa applicants with work authorization and U visa holders granted lawful permanent residency who: have lived in the U.S. for at least 183 days during the tax year, have a social security number valid for work, and have earned income during the tax year, are eligible for the earned income tax credit (EITC). | Not Eligible. | Not Eligible. |
|---|---|---|---|---|---|---|
| Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., on matters | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., on matters | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., on matters | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., on matters | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., on matters | Eligible for LSC-funded legal assistance when the child has suffered battering or extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., on matters | | | |

### Legal Services

<p>| Legal Services | An immigrant who (or whose child) is battered or subjected to extreme cruelty, inside or outside of the United States is eligible for legal assistance | Refugees/Asylees: Refugees and Asylees are eligible for legal assistance on any matter the Legal Services Corporation (LSC)-funded | An immigrant victim of severe forms of human trafficking with (or seeking) HHS Certification, and family members with (or applying for) T visa status, is eligible for legal assistance | A DACA recipient who is (or whose child is) battered or subjected to extreme cruelty, or sexual assault or trafficking in the U.S., on matters | 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 is eligible | An immigrant who is (or whose child is), battered or subjected to extreme cruelty, or is a victim of sexual assault or trafficking in the U.S., is eligible for legal services from | | | |</p>
<table>
<thead>
<tr>
<th>Legal Services</th>
<th>VAWA Self-Petitioner&lt;br&gt;from Legal Services Corporation (LSC)-funded agencies on matters related to the abuse.238 Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving lawful permanent resident status,239 or spouses, parents, and unmarried children under age 21 of U.S. citizens240 become eligible for full representation on any matter upon filing an application for lawful permanent residency.241 Eligible for Office of Violence Against Women funded Legal Assistance242 as a victim of domestic violence, sexual assault, stalking243 or dating violence.244 Must be at least 11 years old.245</th>
</tr>
</thead>
<tbody>
<tr>
<td>VISA</td>
<td>Refugee, Asylee, T Visa1 An immigrant who has been (or whose child has been) a victim of trafficking in the U.S, including a T visa holder,247 is eligible for legal assistance on any matter the LSC-funded agency handles. Eligible for Office of Violence Against Women funded Legal Assistance255 for victims of domestic violence, sexual assault, stalking256 or dating violence.257 Must be at least 11 years old.258</td>
</tr>
<tr>
<td>T Visa2/ Continued Presence3 are eligible for legal assistance on any matter the LSC-funded agency handles.</td>
<td></td>
</tr>
<tr>
<td>Deferred Action for Childhood Arrivals (DACA)4 related to the abuse.269 Eligible for legal assistance on any matter the LSC-funded agency handles upon receiving LPR status,270 or, for the spouse, parent or unmarried child under 21 of a U.S. citizen, upon filing an application for LPR status.271</td>
<td></td>
</tr>
<tr>
<td>Special Immigrant Juvenile Status (SIJS)5 apply for U visa status276 is eligible for legal assistance from Legal Services Corporation (LSC)-funded agencies277 on matters related to the crime victimization.278 Eligible for Office of Violence Against Women funded Legal Assistance279 for victims of domestic violence, sexual assault, stalking280 or dating violence.281 Must be at least 11 years old.282</td>
<td></td>
</tr>
<tr>
<td>U Visa (Upon wait list approval)6</td>
<td>Eligible for Office of Violence Against Women funded Legal Assistance283 for victims of domestic violence, sexual assault, stalking284 or dating violence.285 Must be at least 11 years old.286</td>
</tr>
<tr>
<td>U Visa Applicants for legal assistance from Legal Services Corporation (LSC)-funded agencies287 on matters related to the abuse.288 Eligible for Office of Violence Against Women funded Legal Assistance289 for victims of domestic violence, sexual assault, stalking290 or dating violence.291 Must be at least 11 years old.292</td>
<td></td>
</tr>
<tr>
<td>Undocumented LSC-funded agencies293 on matters related to the abuse.294 Eligible for Office of Violence Against Women funded Legal Assistance295 for victims of domestic violence, sexual assault, stalking296 or dating violence.297 Must be at least 11 years old.298</td>
<td></td>
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<tr>
<td>--------------------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status[^303]</td>
<td>Eligible for weatherization assistance (WAP) for families living in multi-unit dwellings, without regard to immigration status[^306]</td>
</tr>
<tr>
<td>The Department of Family Services administers the LIHEAP program[^302]</td>
<td></td>
</tr>
<tr>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance upon receipt of prima facie determination[^301]</td>
<td>Eligible for LIHEAP heating/cooling assistance and single-family weatherization assistance[^307]</td>
</tr>
<tr>
<td>The Department of Family Services administers the LIHEAP program[^303]</td>
<td></td>
</tr>
<tr>
<td>Eligible for certain FEMA provided emergency services that are available to all victims regardless of their immigration status. These services are short term, non-cash, in-kind emergency disaster relief, including: search and rescue, emergency medical care, mass care and shelter, resources for essential needs such as food, water and medicine, and reduction of utility bills for families living in multi-unit dwellings, without regard to immigration status.</td>
<td></td>
</tr>
<tr>
<td>Management Agency (FEMA) Assistance</td>
<td>FEMA Assistance Programs, Individuals and Households Program (IHP), Disaster Unemployment Assistance (DUA), and Disaster Unemployment Assistance (DUA). FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - RESTRICTED PROGRAMS</td>
</tr>
</tbody>
</table>

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.
<table>
<thead>
<tr>
<th>VAWA Self-Petitioner&lt;sup&gt;d&lt;/sup&gt;</th>
<th>Refugee, Asylee, T Visa&lt;sup&gt;1&lt;/sup&gt;</th>
<th>T Visa&lt;sup&gt;2&lt;/sup&gt;/ Continued Presence&lt;sup&gt;3&lt;/sup&gt;</th>
<th>Deferred Action for Childhood Arrivals (DACA)&lt;sup&gt;4&lt;/sup&gt;</th>
<th>Special Immigrant Juvenile Status (SIJS)&lt;sup&gt;5&lt;/sup&gt;</th>
<th>U Visa (Upon wait list approval)&lt;sup&gt;6&lt;/sup&gt;</th>
<th>U Visa Applicants</th>
<th>Undocumented</th>
</tr>
</thead>
<tbody>
<tr>
<td>(FEMA)-Restricted Programs</td>
<td>before Aug. 22, 1931&lt;sup&gt;,326&lt;/sup&gt;</td>
<td>and Emergency SNAP&lt;sup&gt;,328&lt;/sup&gt;</td>
<td>before Aug. 22, 1931&lt;sup&gt;,332&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>1</sup> 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” (prima 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.).  


<sup>4</sup> See DACA, NAT’L IMMIGRATION LAW CTR. (last visited Mar. 2, 2018), https://www.nilc.org/issues/daca/ (DACA is “deferred action” for certain undocumented youth who came to the United States as children.).  

<sup>5</sup> 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.).  

<sup>6</sup> See DEP’T OF HOMELAND SEC., U AND T Visa LAW ENFORCEMENT RESOURCES GUIDE FOR FEDERAL, STATE, LOCAL, TRIBAL AND TERRITORIAL LAW ENFORCEMENT, PROSECUTORS, JUDGES, AND OTHER GOVERNMENT AGENCIES 3 (2015), http://niwlibrary.wcl.american.edu/pubs/dhs-updated-u-certification-resource-guide-2015/ (U visas benefit victims of certain crimes who have suffered severe physical or emotional abuse. If certain conditions are met, a U visa holder may apply for adjustment to lawful permanent resident status.); See CTR. FOR MEDICARE & MEDICAID SERV., U.S. DEP’T OF HEALTH & HUM. SERV., MEDICAID AND CHIP COVERAGE FOR “LAWFULLY RESIDING” CHILDREN AND PREGNANT WOMEN 2 (2010), http://niwlibrary.wcl.american.edu/pubs/pb-gov-hhs-lawfullyresidingmedicaid-07-01-10also-in-qualified-immigrants/ (Upon wait list approval, U visa applicants receive deferred action and are considered lawfully present.).  


12 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 have already satisfied the five-year bar for eligibility as an LPR by the time their refugee/asylee benefit period for TANF ends. See 8 U.S.C. §§ 1612(b)(2)(B). Or, they may be eligible as a veteran and/or member of a veteran’s family, for which neither the five-year bar nor the five-year time limit applies. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). Or, in some states their eligibility as a refugee or asylee continues past this five-year limit. States can also continue to provide benefits once the mandated five year federal coverage period for refugees and asylees ends. See Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_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.

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


22 8 U.S.C. 1631(f) (Qualified immigrants who have been battered or subjected to extreme cruelty by a spouse, a parent or a member of the spouse’s or parent’s family are exempt from deeming for 12 months. The exemption from deeming may be extended if the battered immigrant obtains an order from a judge or a ruling from the U.S. Department of Homeland Security recognizing the battering or extreme cruelty the immigrant victim suffered.) (Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Att’y Gen. Order No. 2129-97, 62 Fed. Reg. 61,344, at 61,371 (Nov. 17, 1997)); http://niwaplibrary.wcl.american.edu/pubs/1997-doj-interim-guidance-benefits/. See Catherine Longville and Leslye Orloff, Public Benefits: What is “Deeming” and What Are its Exceptions. (January 13, 2015), http://niwaplibrary.wcl.american.edu/pubs/deeming-factsheet/. Qualification 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/opa/resource/policy/pi-2003-2htm-0


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


26 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-factsheet/. Qualification of Public Charge and Deeming Rules To Immigrant Survivors and Their Children Eligible for Healthcare Subsidies, in NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (April 9, 2015), http://niwaplibrary.wcl.american.edu/public-charge-deeming/. Qualified immigrants may also be exempt from deeming when they naturalize, when they can show they are credited with 40 qualifying quarters of work, when they qualify for the up to 12 month exception for indigence, or have another form of immigration status does not require sponsorship. 8 U.S.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/opa/resource/policy/pi-2003-2htm-0


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.)


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)).


85 8 U.S.C. §§ 1612(b)(2)(A); 1613. Federal eligibility for Medicaid for refugees and asylees extends for the first seven years after attaining that status; however, in most states their eligibility can continue past this seven-year limitation, since by seven years they may have become lawful permanent residents with 40 qualifying quarters of work credit and will have satisfied the five-year bar to access to Medicaid. See 8 U.S.C. § 1612(b)(2)(B). Or, they may be a veteran and/or a member of a veteran’s family, for whom the five-year bar and seven-year limit do not apply. See 8 U.S.C. §§ 1612(b)(2)(C), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

86 22 U.S.C. § 7105(b)(1). Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


89 See Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20, footnote 5 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See 22 U.S.C. § 7105(b) (Applicants over age 18 require an HHS certification. Applicants under age 18 require an HHS eligibility determination (not a certification)). 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.


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)(C), 1613(b)(2). 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)(A), 1613(b)(2). States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw-fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.

Human trafficking victims with HHS certification or an HHS determination letter are eligible as refugees for 7 years. To continue to receive benefits once 7 years has passed since they received their HHS certification or HHS determination letter, they will need to file for and be granted a T visa. This allows them to continue to qualify for public benefits as qualified immigrants. So long as the trafficking victim files for a T visa soon after receiving HHS certification or determination, they should gain qualified immigrant status and the 5-year bar will be completed prior to reaching the 7-year limit on refugee benefits. States can also continue to provide benefits once the mandated seven-year federal coverage period for refugees and asylees ends. See also Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw-fedprogs/. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven-year limitation.


See WYO. RULES & REGULATIONS, DEP’T OF HEALTH, ch. 2, § 2 (2014); see also 48-1 WYO CURRENT RULES & REGULATIONS, https://rules.wyo.gov/Search.aspx (containing PDF versions of the rules and regulations. For more information and access to the PDF files use the search tool provided in the link).


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; 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.).


135 Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/#; Soc. Security Admin., Spotlight on SSI Benefits for Aliens (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm. See 8 U.S.C. § 1641(b)(2)-(3). For some Federal programs such as SSI, a general bar applies where qualified immigrants are ineligible, unless they have attained LPR status with 40 qualifying quarters and satisfy the five-year bar, have a specified military connection, or fall within other limited exceptions. See 8 U.S.C. 1612(a)(2). For refugees and asylees, this bar does not apply until seven years after the date that they are admitted to refugee or asylee status; however, § 1612(b)(2) lists exceptions that independently lift the bar after seven years.

137 22 U.S.C. § 7105(b)(1). T visa holders, bona fide T visa applicants with HHS certification, trafficking victims under 18 with HHS eligibility determination, and family members with T visa status are eligible for public benefits to the same extent as refugees. See 8 U.S.C. §§ 1612(a)(1)-(2); 1613. Federal eligibility for refugees and asylees extends for the first seven years after attaining that status. However, § 1612(b)(2) lists exceptions that independently lift the seven year limit; including, if they have attained LPR status with 40 qualifying quarters, are a veteran, and/or a member of a veteran’s family. See § 1641(b)(2)-(3). States can also continue to provide benefits once the mandated seven year federal coverage period for refugees and asylees ends. See state law citations in this chart to identify if this state provides benefits for asylees and refugees beyond the seven year limitation. Nat’l Immigration Law Ctr., Table 1: Overview of Immigrant Eligibility for Federal Programs in Guide to Immigrant Eligibility for Federal Programs 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/#; Soc. Security Admin., Spotlight on SSI Benefits for Aliens (2017), https://www.ssa.gov/ssi/spotlights/spot-non-citizens.htm.


See WYO. STAT. § 31-7-111.

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

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


170 See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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), VIOLENC E AGAINST WOMEN ACT (VAWA) SELF-PETITIONER VERIFICATION PROCEDURES (2017), http://niwaplibrary.wcl.american.edu/pubs/hud-vawa-self-petitioner-verification-procedures/.


175 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. 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).

See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration restrictions. However, when housing units use federally funded tax credits or other federally funded subsidies, the housing units with this combination of funding would only be available to immigrants, including refugees, asylees and T visa holders or applicants with a bona fide determination, who could meet the eligibility requirements of the federal subsidies involved. 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 Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/.

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


See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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, T visa applicants with a bona fide determination and trafficking victims with continued presence, who could meet the eligibility requirements of the federal subsidies involved. NAT’L IMMIGR. L. CTR., Table 1: Overview of Immigrant Eligibility for Federal Programs in GUIDE TO IMMIGRANT ELIGIBILITY FOR FEDERAL PROGRAMS 17, 17-20 (4th ed. 2002, table updated Oct. 2011), https://www.nilc.org/issues/economic-support/table_ovrw_fedprogs/. See also 22 U.S.C. 7105(b); OFFICE ON TRAFFICKING IN PERSONS, U.S. Dep’t of Health & Hum. Serv., OTIP-FS-16-01, CERTIFICATION FOR ADULT VICTIMS OF HUMAN TRAFFICKING FACT SHEET 1 (2016), https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%28%20%28%29.pdf.

See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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.

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).

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See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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 SIJS applicants upon receipt of lawful permanent residency, 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.


See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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 wait list approved 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 applicants approved for the U visa wait list will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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 will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


See Low Income Housing Tax Credit, WYO. COMMUNITY DEV. AUTH., https://www.wyomingcda.com/multifamily/ (last visited July 20, 2018). The Wyoming Community Development Authority allocates the federal Low Income Housing Tax Credits (LIHTC). The LIHTC program does not impose immigration 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. Undocumented immigrants will only qualify if the housing is LIHTC only or LIHTC is combined with one of the USDA programs listed above.


207 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).


236 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
The abuse may have occurred either inside or outside of the U.S. See RONALD S. FLAGG, GENERAL COUNSEL & VICE PRESIDENT FOR LEGAL AFFAIRS, LEGAL SERVICES CORPORATION, PROGRAM LETTER 14-3: ASSESSING ELIGIBILITY OF ALIENS UNDER 45 C.F.R. § 1626.4(c)(1) (2014) (interpreting 45 C.F.R. § 1626.4(c)).

45 C.F.R. § 1626.4 (b) (“Related legal assistance means legal assistance directly related” “to the prevention of, or obtaining relief from, the battery [or] cruelty” and “includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, patrieny, child custody, child and spousal support, housing, public benefits, employment, abuse and neglect, juvenile proceedings and contempt actions.”).


See 45 C.F.R. § 1626.5(c).

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

See 45 C.F.R. § 1626.4(a)(2).

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


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

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

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


See 45 C.F.R. §§ 1626.4(a)(1)(i) (crime victim or family member eligible for U visa relief); 45 C.F.R. § 1626.4(a)(1)(ii) (parent of U visa eligible child); 45 C.F.R. § 1626.2(h) (definitions); 8 U.S.C. § 1101(a)(15)(U)(i)(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, Britttnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT (Sept. 12, 2015), http://niwaplibrary.wcl.american.edu/pubs/extreme-cruelty-examples-protection-order/ (suggesting the definition of battering or extreme cruelty is identical to that in the immigration regulations). Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi).

45 C.F.R. §§ 1626.4(a)(1)(i) (victim); 45 C.F.R. §§ 1626.4(a)(1)(ii) (parent of victim); 45 C.F.R. § 1626.2(k) (“Victim of sexual assault or trafficking” means a victim of sexual assault subjected to any conduct included in the definition of 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.).

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

Related legal assistance means legal assistance directly related to the prevention of, or obtaining relief from, the battery or cruelty and includes representation in matters that will assist a person eligible for assistance under this part to escape from the abusive situation, ameliorate the current effects of the abuse, or protect against future abuse, so long as the recipient can show the necessary connection of the representation to the abuse. Such representation may include immigration law matters and domestic or poverty law matters (such as obtaining civil protective orders, divorce, paternity, child custody, child support 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-regs-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 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-accesspubliclyfundedsls/.

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 related to or arising out of that abuse or violence, at minimum or no cost to the victims. The LAV Grant Program supports the provision of holistic legal services. For example, survivors may also need legal assistance with other legal matters relating to or arising out of the abuse or violence, including family matters such as divorce, child custody or child support, immigration, administrative agency proceedings, housing, and assistance related to human trafficking.”).


45 C.F.R. §§ 1626.4(a)(1)(i); 45 C.F.R. § 1626.2(b) (“Battered or subjected to extreme cruelty includes, but is not limited to, being the victim of any act or threatened act of violence, including any 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, Britttnay Roberts & Stefanie Gitler, Battering and Extreme Cruelty: Drawing Examples from Civil Protection Order and Family Law Cases, NAT’L IMMIGRANT WOMEN’S ADVOCACY PROJECT: American University, Washington College of Law
Compare 45 C.F.R. § 1626.2(b) and 8 C.F.R. § 204.2(c)(1)(vi). 265

265 45 C.F.R. § 1626.2(b) (“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.).

266 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/.

270 See 45 C.F.R. § 1626.5(a).


272 OFFICE ON VIOLENCE AGAINST WOMEN, U.S. DEP’T OF JUSTICE, FY 2018 LEGAL ASSISTANCE FOR VICTIMS GRANT PROGRAM PRE-APPLICATION CONFERENCE CALL TUESDAY, DECEMBER 19, 2017, https://www.justice.gov/ovw/page/file/1020436/download (“The purpose of the LAV Program is to increase the availability of civil and criminal legal services 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.”).


276 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).
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).

“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, paternal, 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/.

See 45 C.F.R. § 1626.5(a).


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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).

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, paternal, 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/.

288 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.”).


292 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 forced 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, Britttnay 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).

293 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.).

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

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

NIWAP American University, Washington College of Law 39