

Access to State Funded Public Benefits in New Mexico Based on Immigration Status^a

By: Alexandra Brown, Sandeep Purewal and Leslye E. Orloff

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	VAWA Self-Petitioner ^b	T-Visa ¹	Continued Presence	U-Visa (Upon wait list approval) ²	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	U-Visa Applicants	Undocumented
	Qualified Immigrant ³		HHS Certification		Lawfully Present		Not qualified Immigrant	
TANF	<p>Eligible with prima facie determination.⁴</p> <p>After attaining lawful permanent residency, those who arrived in the U.S. before August 22, 1996 are immediately eligible for federally funded TANF.</p> <p>VAWA self-petitioners who arrived later are eligible for New Mexico funded TANF⁵ during the five-year bar</p>	<p>Eligible with a bona fide determination and HHS Certification.⁷</p> <p>Exempt from five-year bar.⁸</p>	<p>Eligible with HHS Certification.⁹</p> <p>Exempt from five-year bar.¹⁰</p>	<p>Not eligible.</p> <p>Only eligible after receiving lawful permanent residency based on the U visa.¹¹</p> <p>After attaining lawful permanent residency, those who arrived in the U.S. before August 22, 1996 are immediately eligible for federally funded TANF.</p> <p>U visa victims who arrived later are eligible for</p>	<p>Eligible upon receiving lawful permanent residency.¹⁴</p> <p>All SIJS children will have arrived after August 22, 1996 and will be subject to the five-year bar.¹⁵</p> <p>SIJS children who receive lawful permanent residency are eligible for New Mexico funded TANF¹⁶ during the five-year bar to federally funded TANF (may be subject to deeming).¹⁷</p>	<p>Not eligible.¹⁸</p>	<p>Not eligible.¹⁹</p>	<p>Not eligible.²⁰</p>

^a Children and other family members included in an individual's immigration application receive the same access to public benefits as the applicant. For programs, benefits and services that immigrant victims and immigrant children qualify for without regard to immigration status *see* Catherine Longville and Leslye E. Orloff, *Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status* (May 22, 2014) available at <http://niwaplibrary.wcl.american.edu/pubs/programs-open-to-all-immigrants/>.

^b 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. 8 U.S.C. 1641(c); 8 U.S.C. 1101(a)(51).

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TANF	to federally funded TANF (may be subject to deeming). ⁶			New Mexico funded TANF ¹² during the five-year bar to federally funded TANF (may be subject to deeming). ¹³				
Child Care	<p>Immigrant children with a prima facie determination²¹ are qualified for Child Care Development Fund (CCDF) funded child care.²²</p> <p>Eligible for TANF funded child care upon receiving TANF.²³</p>	Immigrant children and their family members included in their application are eligible for CCDF ²⁴ and TANF ²⁵ funded child care with a bona fide determination and HHS Certification ²⁶	Immigrant children with HHS Certification ²⁷ are eligible for CCDF ²⁸ - and TANF ²⁹ funded child care.	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Childcare 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;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.³⁰</p> <p>Also directly eligible for CCDF-funded child care³¹ upon receiving lawful permanent residency.</p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Childcare 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;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.³³</p> <p>Also directly eligible for CCDF-funded child care³⁴ upon receiving lawful permanent residency.</p> <p>Eligible for TANF</p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Childcare 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;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.³⁶</p> <p>Not eligible for TANF funded child care.³⁷</p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Childcare 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;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.³⁸</p> <p>Not eligible for TANF funded child care.³⁹</p>	<p>Eligible for CCDF-funded child care open to all immigrants, when:</p> <p>(1) Childcare 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;</p> <p>(2) Childcare is subject to Head Start performance standards; or</p> <p>(3) Eligibility for child care services is determined by a nonprofit charitable organization.⁴⁰</p> <p>Not eligible for TANF funded child care.⁴¹</p>

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Child Care				Eligible for TANF funded child care upon receiving federally or state funded TANF as a lawful permanent resident. ³²	funded child care upon receiving federally funded TANF or state funded TANF as a lawful permanent resident. ³⁵			
SNAP (Food Stamps)⁴²	Eligible with prima facie determination subject to five-year bar. ⁴³ Exempt from five-year bar if younger than 18 years old. ⁴⁴	Eligible with bona fide determination and HHS Certification. ⁴⁵ Exempt from five-year bar. ⁴⁶	Eligible with HHS certification. ⁴⁷ Exempt from five-year bar. ⁴⁸	Not eligible.	Eligible upon receiving lawful permanent residency if younger than 18. ⁴⁹ After receiving lawful permanent residency, individual may still qualify if they have also been a qualified immigrant for 5 years (can include the time they received benefits prior to turning 18 if they were otherwise qualified). ⁵⁰	Not eligible.	Not eligible.	Not eligible.
Eligibility to Purchase Health Insurance on the Exchanges^c	Eligible with prima facie determination. ⁵¹	Eligible with bona fide determination and HHS Certification. ⁵²	Eligible with HHS Certification. ⁵³	Eligible upon receipt of U-Visa wait list approval. ⁵⁴	Eligible upon filing an SIJS application ⁵⁵	Not eligible. ⁵⁶	Not eligible. ⁵⁷	Not eligible. ⁵⁸
Child Health Insurance Program	Eligible as qualified battered immigrants upon receipt of prima	Eligible with bona fide determination with HHS certification. ⁶³	Eligible with HHS certification. ⁶⁶ Exempt from five-	Eligible upon receipt of wait list approval as a lawfully residing	Eligible for federally funded health care upon filing for SIJS as a	Eligible only for emergency Medicaid. ⁷⁴	Eligible for emergency Medicaid. ⁷⁵	Eligible for emergency Medicaid. ⁷⁶

^c Under the Affordable Care Act, individuals living in the U.S. are generally required to obtain health insurance or pay a tax penalty, unless you are ineligible or meet a hardship exemption. Additionally, in “mixed status” households, each member of family may have different eligibility for exchanges and subsidies. National Immigration Law Center, *Frequently Asked Questions: Immigrants & Exemptions from the ACA Individual Mandate* (Feb. 26, 2015), available at <https://www.nilc.org/wp-content/uploads/2016/04/exemptions-from-ACA-indiv-mandate.pdf>; National Immigration Law Center, *Frequently Asked Questions: The Affordable Care Act & Mixed-Status Families* (Dec. 2014), available at <https://www.nilc.org/wp-content/uploads/2015/11/FAQ-ACA-and-mixed-status-families-2014-12-1.pdf>.

	VAWA Self-Petitioner ^b	T-Visa ¹	Continued Presence	U-Visa (Upon wait list approval) ²	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	U-Visa Applicants	Undocumented
(CHIP)⁵⁹ CHIP	<p>facie determination or approval of VAWA case.⁶⁰ Eligible upon filing a VAWA self-petition if entered the U.S. before August 22, 1996.⁶¹</p> <p>Eligible for emergency Medicaid.⁶²</p>	<p>Exempt from five-year bar to the same extent as refugees.⁶⁴</p> <p>Eligible upon filing a T visa application if entered the U.S. before August 22, 1996.⁶⁵</p>	<p>year bar to the same extent as refugees⁶⁷</p>	<p>child or pregnant woman for federally funded medical coverage.⁶⁸</p> <p>Eligible for emergency Medicaid.⁶⁹</p>	<p>lawfully residing child or pregnant woman⁷⁰ Continue to be eligible after receiving lawful permanent residency.⁷¹ Eligibility ends when the child turns 21.⁷²</p> <p>Eligible for emergency Medicaid.⁷³</p>			
Full-Scope Medicaid⁷⁷	<p>Eligible if entered the United States before August 22, 1996.⁷⁸</p> <p>OR</p> <p>Eligible for state-funded health care as a qualified battered immigrant upon receipt of prima facie determination or approval of VAWA case.⁷⁹</p> <p>Eligible for emergency Medicaid.⁸⁰</p> <p>Prenatal care is available regardless of</p>	<p>Eligible with bona fide determination with HHS certification.⁸²</p> <p>Exempt from five-year bar.⁸³</p>	<p>Eligible with HHS certification.⁸⁴</p> <p>Exempt from five-year bar.⁸⁵</p>	<p>Eligible upon receipt of wait list approval for medical coverage for pregnant women.⁸⁶</p> <p>Eligible for emergency Medicaid.⁸⁷</p>	<p>Eligible upon receipt of lawful permanent residency if entered the U.S. before August 22, 1996.⁸⁸</p> <p>OR</p> <p>Eligible for full-scope Medicaid after receiving lawful permanent residency subject to the five-year bar.⁸⁹ In calculating the five-year bar SIJS children may count all the time after they attained lawful permanent residency</p>	<p>Eligible only for emergency Medicaid.⁹²</p>	<p>Eligible for emergency Medicaid.⁹³</p>	<p>Eligible for emergency Medicaid.⁹⁴</p>

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Full-Scope Medicaid	immigration status. ⁸¹				including time they were receiving SCHIP. Pregnant women are eligible upon filing for SIJS for medical coverage. ⁹⁰ Eligible for emergency Medicaid. ⁹¹			
Education-State Law	<p>VAWA self-petitioners (with prima facie determination),⁹⁵ T-visa holders (with a bona fide determination and HHS certification),⁹⁶ trafficking victims with HHS certification,⁹⁷ lawful permanent residents,⁹⁸ and other qualified immigrants⁹⁹ are eligible for federal student aid.</p> <p>Post-secondary educational institutions cannot deny admission based on immigration status. Tuition rates or state-funded financial aid must be granted at the same rate regardless of immigration status, as long as the applicant has attended a secondary educational institution in New Mexico for at least one year and who has either graduated from a New Mexico high school or received a general educational development certificate in New Mexico.¹⁰⁰</p>							
Education-Federal Benefits	Eligible for federal student aid grants and loans with a prima facie determination. ¹⁰¹	Eligible for federal student aid grants and loans as a T visa holder based on a bona fide determination and HHS certification in a T visa case. ¹⁰²	Eligible for federal student aid grants and loans as a recipient an HHS certification to the same extent as refugees. ¹⁰³	Not eligible for federal student aid grants and loans.	Eligible for federal student aid upon receipt of lawful permanent residency. ¹⁰⁴	Not eligible for federal student aid grants and loans.	Not eligible for federal student aid grants and loans.	Not eligible for federal student aid grants and loans.
Supplemental Security Income (SSI)¹⁰⁵	Eligible with prima facie determination, subject to five-year bar ¹⁰⁶ and must have credit for 40 quarters of work. ¹⁰⁷	Eligible upon receipt of a T visa, HHS certification and if meet other program requirements. ¹⁰⁸ There is a 7 year limitation on access to SSI. ¹⁰⁹ To receive SSI beyond the 7 year limit, T visa recipients must have 40 quarters of	Eligible with HHS certification ¹¹¹ to the same extent as refugees. ¹¹² Only qualifies for the first seven years after receiving status. ¹¹³	Not eligible.	Eligible upon receiving lawful permanent residency, but subject to the five-year bar and must have credit for 40 quarters of work. ¹¹⁴ Few SIJS children will qualify because the child, their spouse, or a	Not eligible.	Not eligible.	Not eligible.

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SSI		work. ¹¹⁰			parent must, individually or collectively, worked for 40 quarters, unless received SSI prior to August 22, 1996. ¹¹⁵			
Driver's License	<p>Under the REAL ID Act, evidence of “lawful status” is required for driver’s license to be a federally recognized form of identification.¹¹⁶ The Act lists specific immigration statuses,¹¹⁷ however, the Department of Homeland Security has certified states as REAL ID-compliant that issue licenses to broader ranges of “lawfully present” immigrants.¹¹⁸</p> <p>In New Mexico can show “lawful status” are eligible for a Real ID driver’s license. Immigrants who have cases filed with the Department of Homeland Security (DHS) and who are considered “lawfully residing” by HHS for health care purposes with advocacy should be able to establish “lawful status” under New Mexico’s driver’s license laws to receive a REAL ID federally recognized driver’s license. The following immigrants are considered “lawfully residing” by HHS:¹¹⁹ VAWA self-petitioners with prima facie determinations, T visa applicants with bona fide determinations and HHS certification, Continued Presence trafficking victims with HHS certifications, waitlist approved U visa applicants, and SIJS applicants.</p> <p>Any immigrant with an lawful work authorization document from DHS will be eligible for a federally recognized driver’s license. Immigrant victims receive legal work authorization at the following points in time: VAWA self-petitioners: 3 months (when the abuser is a USC); ≈ 8 months (upon approval of the VAWA self-petition when the abuser is an lawful permanent resident); T visa applicants with bona fide determinations and HHS certification; Continued Presence trafficking victims with HHS certifications; waitlist approved U visa applicants and SIJS applicants granted lawful permanent residency; and DACA upon approval.</p> <p>Immigrants in who are not eligible for a federally recognized driver’s license. Are eligible to apply for a New Mexico ¹²⁰ Driving Authorization Card (non-federally recognized for ID) if the immigrant does not have proof of lawful status.¹²¹</p>						Eligible to apply for a New Mexico Driving Authorization Card (non-federally recognized for ID) if no proof of lawful status. ¹²²	
Transitional Housing	Eligible. Programs receiving federal financial assistance that are necessary to protect life or safety must be open to immigrants (including transitional housing for the homeless, victims of domestic abuse, sexual assault, stalking, dating violence, human trafficking, or runaway, abused or abandoned children) and may not be withheld based on immigration status. ¹²³							
Public and Assisted Housing	Eligible upon filing VAWA self-petition application. ¹²⁴ Eligible for HUD Section 214 public ¹²⁵ and assisted housing programs. ¹²⁶	Eligible with bona fide determination and HHS certification as qualified immigrant for HUD Section 214 public and assisted housing programs. ¹³⁰	Eligible with HHS certification ¹³³ to the same extent as refugees ¹³⁴ for HUD Section 214 public and assisted housing programs. ¹³⁵ Eligible for Sec. 515 Rural Rental	Not eligible for HUD Section 214 public and assisted housing programs. ¹³⁸ May reside in a household that receives public or assisted housing for citizen, lawful	Eligible upon receiving lawful permanent residency for HUD Section 214 public and assisted housing programs ¹⁴² and also for Sec 514/516 Farm	Not eligible for HUD Section 214 public and assisted housing programs. ¹⁴⁷ Eligible for Sec. 515 Rural Rental Housing. ¹⁴⁸ Eligible for LIHTC. ¹⁴⁹	Not eligible for HUD Section 214 public and assisted housing programs. ¹⁵⁴ Eligible for Sec. 515 Rural Rental Housing. ¹⁵⁵ Eligible for LIHTC. ¹⁵⁶	Not eligible for HUD Section 214 public and assisted housing programs. ¹⁶¹ Eligible for Sec. 515 Rural Rental Housing. ¹⁶² Eligible for LIHTC. ¹⁶³

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Public and Assisted Housing	<p>Upon receipt of lawful permanent residency eligible for Sec 514/516 Farm Labor Housing (as a renter).¹²⁷</p> <p>Eligible for Sec. 515 Rural Rental Housing.¹²⁸</p> <p>Eligible for Low Income Housing Tax Credit (LIHTC).¹²⁹</p>	<p>Eligible for Sec. 515 Rural Rental Housing.¹³¹</p> <p>Eligible for LIHTC.¹³²</p>	<p>Housing.¹³⁶</p> <p>Eligible for LIHTC.¹³⁷</p>	<p>permanent resident and any other qualified family members, but the subsidy the family receives will be reduced to exclude the U visa family member by proration.¹³⁹</p> <p>Eligible for Sec. 515 Rural Rental Housing.¹⁴⁰</p> <p>Eligible for LIHTC.¹⁴¹</p>	<p>Labor Housing (as a renter).¹⁴³</p> <p>Eligible for Sec. 515 Rural Rental Housing.¹⁴⁴</p> <p>Eligible for LIHTC.¹⁴⁵</p> <p>May reside in a household that receives public or assisted housing for citizen, lawful permanent resident and any other qualified family members, but the subsidy the family receives will be reduced to exclude the SIJS applicant family member by proration.¹⁴⁶</p>	<p>Not eligible for HUD Section 214 public and assisted housing programs.¹⁵⁰</p> <p>Eligible for Sec. 515 Rural Rental Housing.¹⁵¹</p> <p>Eligible for LIHTC.¹⁵²</p> <p>May reside in a household that receives public or assisted housing for citizen, lawful permanent resident and any other qualified family members, but the subsidy the family receives will be reduced to exclude the DACA family member by proration.¹⁵³</p>	<p>Not eligible for HUD Section 214 public and assisted housing programs.¹⁵⁷</p> <p>Eligible for Sec. 515 Rural Rental Housing.¹⁵⁸</p> <p>Eligible for LIHTC.¹⁵⁹</p> <p>May reside in a household that receives public or assisted housing for citizen, lawful permanent resident and any other qualified family members, but the subsidy the family receives will be reduced to exclude the U visa family member by proration.¹⁶⁰</p>	<p>Not eligible for HUD Section 214 public and assisted housing programs.¹⁶⁴</p> <p>Eligible for Sec. 515 Rural Rental Housing.¹⁶⁵</p> <p>Eligible for LIHTC.¹⁶⁶</p> <p>May reside in a household that receives public or assisted housing for citizen, lawful permanent resident and any other qualified family members, but the subsidy the family receives will be reduced to exclude the undocumented family member by proration.¹⁶⁷</p>
Low Income Home Energy Assistance Program (LIHEAP)	<p>Eligible for weatherization assistance for families living in multi-unit dwellings.¹⁶⁸</p> <p>Eligible for (LIHEAP) upon receipt of prima facie determination.¹⁶⁹</p>	<p>Eligible for weatherization assistance for families living in multi-unit dwellings.¹⁷⁰</p> <p>Eligible for LIHEAP upon receipt of bona fide determination and receipt of HHS certification.¹⁷¹</p>	<p>Eligible for weatherization assistance for families living in multi-unit dwellings.¹⁷²</p> <p>Eligible¹⁷³ for LIHEAP upon HHS certification.¹⁷⁴</p>	<p>Not eligible, except for weatherization assistance for families living in multi-unit dwellings.¹⁷⁵</p>	<p>Eligible for weatherization assistance for families living in multi-unit dwellings.¹⁷⁶</p> <p>Eligible for LIHEAP upon receiving lawful permanent residency.¹⁷⁷</p>	<p>Not eligible, except for weatherization assistance for families living in multi-unit dwellings.¹⁷⁸</p>	<p>Not eligible, except for weatherization assistance for families living in multi-unit dwellings.¹⁷⁹</p>	<p>Not eligible, except for weatherization assistance for families living in multi-unit dwellings.¹⁸⁰</p>

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Federal Emergency Management Agency (FEMA) Assistance¹⁸¹	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, and in-kind emergency help 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. ¹⁸²							
Federal Emergency Management Agency (FEMA)-Restricted Programs¹⁸³	Upon receipt of prima facie determination, eligible for FEMA's Individual Households Program, Individual and Family Grant Program (IFGP), US Small Business Administration loans, and Disaster Unemployment Assistance (DUA). ¹⁸⁴	Upon receipt of a bona fide determination in a T visa case and receipt of HHS certification eligible for FEMA's IFGP Program, US Small Business Administration loans DUA ¹⁸⁵ and for Emergency Food Stamps. ¹⁸⁶	Upon receipt of HHS certification eligible for FEMA's IFGP Program, , US Small Business Administration loans, DUA ¹⁸⁷ and for Emergency Food Stamps. ¹⁸⁸	Not eligible.	Upon receiving lawful permanent residency eligible for FEMA's IFGP Program, US Small Business Administration loans, and DUA. ¹⁸⁹ Eligible for Emergency Food Stamps upon receiving lawful permanent residency if they can be credited with 40 quarters of work credit ¹⁹⁰ earned by either themselves or their parents. ¹⁹¹	Not eligible.	Not eligible.	Not eligible. ¹⁹²

¹ Victims of severe forms of human trafficking who receive HHS certification based on continued presence in a T visa case are eligible for federal and state public benefits for up to 7 years to the same extent as refugees. 22 U.S.C. Sec. 7105(b). Trafficking victims who apply for T visas become "qualified immigrants" when they receive a bona fide determination as T visa applicants and they are eligible for public benefits to the same extent as lawful permanent residents and all other qualified immigrants. 8 U.S.C. 1641(c)(4). See Jordan Tacher & Leslye E. Orloff, *Trafficking Victim Benefits Eligibility Process*, NATIONAL IMMIGRANT WOMEN'S ADVOCACY PROJECT (Apr. 12, 2013), available at <http://niwaplibrary.wcl.american.edu/pubs/bchcrd-trafficking-victim-benefits-eligibility-process/>.

² Upon wait list approval U visa applicants receive deferred action. Immigrants with deferred action are considered lawfully present. Center for Medicare and Medicaid Services, Medicaid and CHIP Coverage for "Lawfully Residing" Children and Pregnant Women (July 1, 2010) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>. The only group of deferred action recipients not considered lawfully present for public benefits purposes are

recipients of Deferred Action for Childhood Arrivals. National Immigration Law Center, A Quick Guide to Immigrant Eligibility for ACA and Key Federal Means-tested Programs (September 2015) available at <https://www.nilc.org/wp-content/uploads/2015/11/imm-eligibility-quickguide-2015-09-21.pdf>.

³ Qualified immigrants are: lawful permanent residents; refugees, asylees, persons granted withholding of deportation/removal, conditional entry (in effect prior to Apr. 1, 1980), paroled into the U.S. for at least one year; Cuban/Haitian entrants; spouses and children who have been battered or subjected to extreme cruelty by a citizen or lawful permanent resident spouse, parent or step-parent with (a) a prima facie determination or approved self-petition for an immigrant visa, (b) an approved immigrant visa filed for an abusive citizen or lawful permanent resident spouse, parent or step-parent or (c) a prima facie determination or approved application for cancellation of removal or suspension of deportation (for prima facie determinations from immigration judges see, <http://niwaplibrary.wcl.american.edu/pubs/prima-facie-verification-requests/>), whose need for benefits has a substantial connection to the battery or cruelty (parent/child of such battered child/spouse is also “qualified”); and victims of trafficking and their derivative beneficiaries who have obtained a T visa or whose application for a T visa sets forth a prima facie case. See 8 USC § 1641.

⁴ Eligible as a qualified immigrant. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf; see 8 U.S.C. 1641(c)(1)(B); supra note 1.

⁵ Eligible as an abused qualified immigrant. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf

⁶ National Immigration Law Center, *Table 8: State Funded TANF Replacement Programs* (Aug. 2016), available at https://www.nilc.org/issues/economic-support/guide_tanf/; Catherine Longville and Leslye E. Orloff, *Public Benefits: What is “Deeming” and What are its Exceptions*, available at <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>

⁶ Eligible National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf

⁷ Eligible as a qualified immigrant. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf; see 8 U.S.C. 1641(c)(4); supra note 2.

⁸ National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf.

⁹ Upon certification by HHS, victims of human trafficking are eligible to receive federal and state benefits to the same extent as a refugee. *Certification for Adult Victims of Human Trafficking Fact Sheet*, 1 (U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, May 10, 2016),

<https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. Refugees are eligible as qualified immigrants. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf; see 8 U.S.C. 1641(b)(3); supra note 1.

¹⁰ National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf.

¹¹ National Immigration Law Center, *Table 8: State Funded TANF Replacement Programs* (Aug. 2016), available at https://www.nilc.org/issues/economic-support/guide_tanf/.

¹² Eligible as an abused qualified immigrant. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf

¹³ National Immigration Law Center, *Table 8: State Funded TANF Replacement Programs* (Aug. 2016), available at https://www.nilc.org/issues/economic-support/guide_tanf/; Catherine Longville and Leslye E. Orloff, *Public Benefits: What is “Deeming” and What are its Exceptions*, available at <http://niwaplibrary.wcl.american.edu/pubs/deeming-fact-sheet/>

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¹⁴ Eligible as a qualified immigrant. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf; see 8 U.S.C. 1641(b)(1).

¹⁵ National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf.

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- ²² Benish Anver and Leslye E. Orloff, *Immigrant Crime Victim Child Care Access* (Mar. 13, 2013) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-chart-childcare/>.
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- ²⁶ Eligible as a qualified immigrant. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf; see 8 U.S.C. 1641(c)(4).
- ²⁷ Upon certification by HHS, victims of human trafficking are eligible to receive federal and state benefits to the same extent as a refugee. *Certification for Adult Victims of Human Trafficking Fact Sheet*, 1 (U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, May 10, 2016), available at <https://traffickingresourcecenter.org/sites/default/files/Certification%20Fact%20Sheet%20Posting%20%282%29.pdf>. Refugees are eligible as qualified immigrants. National Immigration Law Center, *Table 1: Overview of Immigrant Eligibility for Federal Programs 2* (Oct. 2011), available at https://www.nilc.org/wp-content/uploads/2015/11/tbl1_ovrvw-fed-pgms.pdf; see 8 U.S.C. 1641(b)(3).
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- ⁴³ United States Department of Agriculture, *Supplemental Nutrition Assistance Program: Guidance on Non-Citizen Eligibility*, 1-3 (June 2011), available at https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf.
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- ⁴⁶ Karina Fortuny and Ajay Chaudry, *A Comprehensive Review of Immigrant Access to Health and Human Services*, URBAN INSTITUTE, 4 (June 2011), available at <https://aspe.hhs.gov/system/files/pdf/76301/index.pdf>; United States Department of Agriculture, *Supplemental Nutrition Assistance Program: Guidance on Non-Citizen Eligibility*, 1-3 (June 2011), available at https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf.
- ⁴⁷ Center for Medicare and Medicaid Services, *Medicaid and CHIP Coverage for “Lawfully Residing” Children and Pregnant Women* (July 1, 2010) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>.
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- ⁵⁰ United States Department of Agriculture, *Supplemental Nutrition Assistance Program: Guidance on Non-Citizen Eligibility*, 5 (June 2011), available at https://www.fns.usda.gov/sites/default/files/Non-Citizen_Guidance_063011.pdf.
- ⁵¹ VAWA self-petitioners, children included in their parent’s self-petition, and parents included in their child’s self-petition become qualified immigrants and “lawfully present” under the Affordable Care Act (ACA) when they receive prima facie determinations. See also Rocio Molina, *Eligibility Under the Affordable Care Act for Survivors of Domestic Violence, Trafficking, and Other Serious Crimes* (June 23, 2014), available at <http://niwaplibrary.wcl.american.edu/pubs/victims-aca-healthcare-eligibility/>; see also Medicaid and CHIP Coverage for “Lawfully Residing” Children and Pregnant Women (July 1, 2010) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>; see also National Immigrant Law Center, *Immigrants and the Affordable Care Act* (Jan. 2014), available at <https://www.nilc.org/issues/health-care/immigrantsshr/>.
- ⁵² National Immigrant Law Center, “*Lawfully Present*” *Individuals Eligible under the Affordable Care Act* (July 2016), available at <https://www.nilc.org/wp-content/uploads/2015/10/lawfully-present-imm-categories-ACA-2016-07.pdf>.
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- ⁵⁹ Receive health care subsidies. Details are included in footnotes.
- ⁶⁰ National Immigration Law Center, *Health Coverage for Immigrant Children* (July 2017), available at <https://www.nilc.org/issues/health-care/healthcoveragemaps/> (Medicaid/CHIP for lawfully residing children regardless of date of entry).
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- ⁶⁴ Karina Fortuny and Ajay Chaudry, *A Comprehensive Review of Immigrant Access to Health and Human Services*, URBAN INSTITUTE, 4 (June 2011), available at <https://aspe.hhs.gov/system/files/pdf/76301/index.pdf>; Section 107(b)(2) of the Trafficking Victims Protection Act of 2000 ([22 U.S.C. 7105\(b\)\(2\)](https://www.law.cornell.edu/uvpa/2000/107b2.html))

- ⁶⁵ National Immigration Law Center, *Health Coverage for Immigrant Children* (July 2017), available at <https://www.nilc.org/issues/health-care/healthcoveragemaps/> (Federally funded Medicaid/CHIP for lawfully residing children regardless of date of entry).
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- ⁷⁰ Center for Medicare and Medicaid Services, Medicaid and CHIP Coverage for “Lawfully Residing” Children and Pregnant Women 3 (July 1, 2010) available at <http://niwaplibrary.wcl.american.edu/pubs/pb-gov-hhslawfullyresidingmedicaid-07-01-10-also-in-qualified-immigrants/>. (Immigrant children who have applied for Special Immigrant Juvenile Status are lawfully residing children); National Immigration Law Center, *Health Coverage for Immigrant Children* (July, 2017), available at <https://www.nilc.org/issues/health-care/healthcoveragemaps/> (Medicaid/CHIP for lawfully residing children regardless of date of entry).
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¹⁸⁵ See National Immigration Law Center, *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* (Sept. 2005), available at https://www.nilc.org/wp-content/uploads/2016/05/disaster_assistance_0905.pdf (stating that to receive DUA, qualified immigrants and victims of trafficking must have employment authorization).

¹⁸⁶ 7 C.F.R. 280.1.

¹⁸⁷ See National Immigration Law Center, *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* (Sept. 2005), available at https://www.nilc.org/wp-content/uploads/2016/05/disaster_assistance_0905.pdf (stating that to receive DUA, qualified immigrants and victims of trafficking must have employment authorization).

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¹⁸⁹ See National Immigration Law Center, *Disaster Assistance: Food, Shelter, Cash Payments, Loans, and Other Help for Victims of Major Disasters* (Sept. 2005), available at https://www.nilc.org/wp-content/uploads/2016/05/disaster_assistance_0905.pdf (stating that to receive DUA, qualified immigrants and victims of trafficking must have employment authorization).

¹⁹⁰ 7 C.F.R. 280.1.

¹⁹¹ Supplemental Nutrition Assistance Program: Guidance on Non-Citizen Eligibility (U.S. DEPARTMENT OF AGRICULTURE, June 2011), available at <http://niwaplibrary.wcl.american.edu/pubs/imms-snap/>.

¹⁹² See Federal Emergency Management Agency, *FEMA Citizenship/Immigration Requirements* (Dec. 2015), available at <https://www.fema.gov/faq-details/FEMA-Citizenship-Immigration-requirements-1370032118159> (stating that undocumented individuals can apply on behalf of a minor USC child who has a social security card).