



## Comparing Forms of Immigration Relief for Immigrant Victims of Crime<sup>1</sup> (September 12, 2015)

This chart is a basic outline of various forms of immigration relief<sup>2</sup> available to immigrant crime victims including domestic violence, sexual assault and trafficking victims. This chart is for informational purposes only and should not be used to practice immigration law. The chart will help an attorney or advocates determine which form of relief best meets the needs of their client.<sup>3</sup>

	U-visa	T-visa	Continued Presence	VAWA self-petition <sup>4</sup>	Battered spouse waiver	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	Section 106 : A, G, E3, and H visa recipients
How and When Does it Provide Authorization to Accept Employment?	An applicant receives employment authorization upon approval. (No separate forms are necessary for principal applicant)	An applicant receives employment authorization upon receipt of a <i>bona fide</i> determination from USCIS (after filing but before approval).	An applicant receives employment authorization upon approval.	An applicant receives employment authorization upon filing if the abuser is a U.S. Citizen and the applicant has jointly filed an application for lawful permanent residency (Application to Register Permanent status or Adjust Status Form I-485) as an immediate relative of a U.S. Citizen. Otherwise, an applicant receives employment authorization upon approval.	Receipt of application for a battered spouse <sup>5</sup> waiver of the joint filing requirement (Petition to Remove Conditions on Residence Form I-751) extends conditional lawful permanent residence, which provides evidence of lawful work authorization. This extension lasts one year and is renewable.	May be eligible to receive employment authorization during the pendency of the application once SIJS packet is submitted to USCIS.	File employment authorization concurrently with DACA, because approval of the employment authorization is contingent on approval of DACA. Should receive work authorization 1-2 days from the approval of DACA.	An applicant receives employment authorization upon approval.

<sup>1</sup> By: Leslye E. Orloff, Rocio Molina, Pete Helein, Andrea Carcamo-Cavazos, and Benish Anver. This toolkit was adapted from materials developed by Legal Momentum. Copyright solely to National Immigrant Women's Advocacy project, American University Washington College of Law © 2013.

<sup>2</sup> Of the applications listed on this chart, T and U visas, and approval of a battered spouse waiver provide legal immigration status. Those individuals with legal immigration status who are or who become inadmissible or deportable may not necessarily be comprehensively protected from deportation. Continued presence and deferred action received as a result of an approved VAWA self-petition do not provide lawful immigration status although those individuals are a lower priority for deportation.

<sup>3</sup> An individual may apply for more than one form of relief if eligible.

<sup>4</sup> The Windsor decision on DOMA and USCIS policy deem same-sex married couples "spouses" for immigration purposes. United States v. Windsor, 12-307 WL 3196928; <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/doma/USCIS-DOMA-Implementation-FAQ.pdf/view>

<sup>5</sup> See Note 4 on the Supreme Court decision on DOMA and USCIS policy. Provided that the initial petition was based on same-sex spouses.

	U-visa	T-visa	Continued Presence	VAWA self-petition <sup>4</sup>	Battered spouse waiver	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	Section 106 : A, G, E3, and H visa recipients
How and when will the applicant receive some limited protection against deportation? <sup>6</sup>	Upon filing for U-visa an applicant will be flagged as "384" in DHS' system which signifies the applicant has pending or approved VAWA confidentiality-protected case. This system will help stop removal of victims with pending and approved U-visa cases, or upon a prima facie determination and approval by USCIS.	Upon filing for T-visa an applicant will be flagged as "384" in DHS' system which signifies the applicant has pending or approved VAWA confidentiality-protected case. This system will help stop removal of victims with pending and approved T-visa cases, or upon a prima facie determination and approval by USCIS. Upon being granted a T-visa or having previously been granted continued presence.	Upon being awarded continued presence.	Upon filing for VAWA Self-Petition an applicant will be flagged as "384" in DHS' system which signifies the applicant has pending or approved VAWA confidentiality-protected case. This system will help stop removal of victims with pending and approved VAWA, cases. Also upon approval of the VAWA self-petition when the victim is granted deferred action status	Conditional residency offers protection against deportation. <sup>7</sup>	As soon as the youth submits the SIJS packet to USCIS.	Affirmative: Once DACA is received. Defensive: DACA eligible individuals in immigration detention should notify their detention officer or contact the ICE Office of the Public Advocate.	N/A. Requirement of retaining non-immigrant status. Non-immigrant status refers to the permission to be in the country for a <i>definite</i> time. An example of a non-immigrant visa is a tourist visa.
Process	The applicant files U-visa (Form I-918) at the VAWA Unit of Vermont Service Center of USCIS.	The applicant files T-visa (Form I-914) at the VAWA Unit of Vermont Service Center of USCIS.	ICE <sup>8</sup> Special Agent in Charge sends to Office of International Affairs' Law Enforcement Parole Branch, which sends the approval to USCIS to process employment authorization.	The applicant files the VAWA self-petition (Form I-360) at the VAWA Unit of Vermont Service Center of USCIS.	Applicant files the battered spouse waiver (Form I-751) either at the VAWA Unit of Vermont Service Center (USCIS) or at California Service Center of USCIS depending on in which state the applicant resides.	Affirmative: Prepare and submit forms I-360, I-485 (green card), and I-765 (work permit if needed while application pending) at the <u>same</u> time with USCIS. Defensive (if child in removal proceedings): file I-360 with USCIS, once it is approved file I-485 with the immigration judge.	Prepare forms I-821D, I-765, and I-765WS (economic need supplemental form) at the same time with USCIS.	File form I-765 and I-765V concurrently with the Vermont Service Center.

<sup>6</sup> Only citizens are fully protected from deportation. Non-citizens including those with visas and lawful permanent residency can be deported if they are convicted of committing crimes. Additionally, some immigrants who have received deferred action (agreement by DHS that their removal is a low priority) may still become subject to enforcement actions. Thus, the protections against deportation listed here may not provide full protection for immigrant victims.

<sup>7</sup> Conditional residents can be deported if they commit crimes, leave the U.S. for more than 6 months during a year and if they do not apply for or are denied lawful permanent residency toward the end of their two year conditional residency status.

<sup>8</sup> Immigration and Customs Enforcement (ICE) is one of two agencies within DHS responsible for immigration enforcement, detention and removal. The other DHS agency with immigration enforcement authority is U.S. Customs and Border Patrol (CBP).

	U-visa	T-visa	Continued Presence	VAWA self-petition <sup>4</sup>	Battered spouse waiver	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	Section 106 : A, G, E3, and H visa recipients
Qualifying Family Beneficiaries (still must potentially meet other requirements)	Qualifying family members for victims <u>over</u> 21 include spouses <sup>9</sup> and children under 21. Qualifying family members of victims <u>under</u> 21 include spouses, children, parents, and unmarried siblings under 18.	Qualifying family members for victims <u>over</u> 21 include spouses <sup>10</sup> and children under 21, and if facing retaliation parents and unmarried sibling under age 18. Qualifying family members of victims <u>under</u> 21 include spouses, children, parents, and unmarried siblings under 18.	Qualifying family members for victims <u>over</u> 21 include spouses <sup>11</sup> and children under 21. Qualifying family members of victims <u>under</u> 21 include spouses, children, parent, and unmarried siblings under 18. A qualifying family members may receive parole if that individual faces retaliation as a result of the victim's cooperation.	Children under age 21 at the time of filing.	Children who have conditional resident status may apply with a conditional resident parent. However, if the battered immigrant's child did not receive conditional residency that child cannot obtain legal permanent residence through the parent's battered spouse waiver application.	CANNOT petition for immigration benefits for any family members, even if becomes LPR.	None	If child brought under one of the enumerated visas in this category is battered or subjected to extreme cruelty, non-abusive parent can apply for work authorization.
Qualifying criminal activity	Qualifying U-visa criminal activity includes but is not limited to domestic violence (including child abuse and elder abuse), sexual assault, and human trafficking. An applicant may be a victim of any qualifying criminal activity. <sup>12</sup>	This visa is only available to victims of a "severe form of trafficking in persons".	This protection is only available to victims of a "severe form of trafficking in persons".	Self-petitioners must be have been subject to battery or extreme cruelty, which includes forms of emotional abuse and does not have to rise to the level of a criminal activity.	Battered spouse waiver applicants must have been subject to battery or extreme cruelty, includes forms of emotional abuse and does not have to rise to the level of a criminal activity.	Neglect and/or abuse and/or abandonment of the immigrant child by the parent or parents.	N/A. Not a requirement	Victim has to have been battered or have been subjected to extreme cruelty by the spouse. <sup>13</sup>

<sup>9</sup> See Note 4 on the Supreme Court decision on DOMA and USCIS policy.

<sup>10</sup> See Note 4 on the Supreme Court decision on DOMA and USCIS policy.

<sup>11</sup> See Note 4 on the Supreme Court decision on DOMA and USCIS policy.

<sup>12</sup> Qualifying criminal activity includes rape, torture, trafficking, incest, domestic violence, sexual assault, abusive sexual contact, prostitution, sexual exploitation, 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, stalking, obstruction of justice, perjury, solicitation to commit any of the above-mentioned crimes, or *any similar activity* in violation of federal, state, or local criminal law. This list also includes attempts or conspiracy to commit any of the listed activities.

<sup>13</sup> See Note 4 on the Supreme Court decision on DOMA and USCIS policy. But, unclear as to whether USCIS will consider same-sex couples married in another country "spouses" for immigration law purposes.

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Requirement of applicant's cooperation with law enforcement	<u>An applicant must submit a U-visa certification (Form I-918 Supplement B) signed by a designated law enforcement officer, judge, prosecutor or other state or federal government official involved in detection, investigation, or prosecution of criminal activity. An applicant may be certified if he or she is a victim of a qualifying criminal activity and has been, is being, or is likely to be helpful in an investigation or prosecution. Certification is encouraged as soon as possible and certifying helpfulness does not hinge on a case proceeding beyond detection or investigation of a crime.</u>	An applicant must submit proof of reasonable cooperation with a trafficking investigation or prosecution and may submit a law enforcement certification on Form I-914 Supplement B as proof. <u>The law enforcement certification is not required.</u> Proof of continued presence may be submitted as secondary evidence. Certification is encouraged as soon as possible and certifying cooperation does not hinge on a case proceeding beyond detection or investigation of a crime.	Only law enforcement may request that ICE request continued presence for someone who is cooperating with an investigation or prosecution. A request for continued presence is encouraged as soon as possible and does not hinge on a case proceeding beyond detection or investigation of a crime.	None.	None.	None.	None.	None.
Require proof of applicant's good moral character	No.	Proof of good moral character is not required for the T-visa application but is required to be granted lawful permanent residency.	No.	Proof of good moral character is required to self-petition.	No	No	No.	No.
Requirement that applicant faces extreme hardship if returning to home country	There is no requirement of extreme hardship.	An applicant must prove "extreme hardship involving unusual and severe harm upon removal."	There is no requirement of extreme hardship.	No.	No.	Requires prove that it is against the best interests of the child to return to home country.	No.	No.

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Other Requirements of the Applicant	The applicant suffered substantial physical or mental abuse as a result of the qualifying crime.	The applicant is physically present in the U.S. on account of trafficking.	None.	The abuser must be the spouse, intended spouse, have been a spouse within 2 years of filing, parent (or step parent) of the victim. <sup>14</sup> The abuser must be a Lawful Permanent Resident or a U.S. Citizen. For victims whose abuser is a spouse, the victim must also show good faith marriage. The applicant must also show he or she resided with the abuser at some point during the marriage.	The applicant must be a conditional permanent resident to apply. The applicant must also demonstrate that the applicant married the abuser spouse in good faith.	-Under 21 years old and unmarried (most jurisdictions will not declare a youth dependent once they are 18 or older). -Having been abused, neglected or abandoned by one or both parents. -Reunification with parent who abused, neglected or abandoned is not viable. -It is not in the best interest of the child to return to home country. -need of a court order placing child/juvenile under jurisdiction of a state juvenile, family, or probate court.	-under 31 years of age as of June 15, 2012. -Have been in the U.S. from June 15, 2007 to the present (brief and innocent absences for humanitarian reasons do not count). -entered without inspection before June 15, 2012 OR lawful status expired before this date. -Physically present in the U.S. June 6, 2012 and when applying to DACA. -In school, graduated from High School, GED, or have been honorably discharged from coast guard or armed forces. -no felony offense, a significant misdemeanor OR more than 3 misdemeanors and cannot be a threat to national security or public safety.	-Victim has to be the spouse who accompanied or followed to join a principal alien admitted holding an A (ambassador), E3(Australian Specialty Occupation Worker), G(foreign Government or International Organization Representative) , or H(Alien Specialty Occupation Worker) visa. -was admitted as a non-immigrant under the visas above. - is maintaining status as nonimmigrant. -applicant or applicant's child was battered or subjected to extreme cruelty by the principal alien spouse. -Residing in the U.S. -Marriage was entered in good faith.

<sup>14</sup> Elder abuse victims abused by their over 21 year old adult U.S. Citizen abusive sons or daughters are also statutorily eligible to self-petition.

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<b>Caps</b>	Cap of 10,000 for each fiscal year.	Cap of 5,000 visas for each fiscal year. USCIS has never reached the cap and is unlikely to reach it in the upcoming fiscal years.	No cap.	No cap.	No cap.	No cap.	None	Cap, if any, relates to the visa category. There is no cap on the number of victims who can request work authorization.
<b>Inadmissibility Waivers Available So That The Victim Can Receive Lawful Permanent Residency</b>	Discretionary waiver of inadmissibility available if it is in the public or national interest. No waiver is available for participants in Nazi persecution, genocide, torture or extrajudicial killing.	There is an exception to the public charge grounds of inadmissibility. A discretionary waiver available for other grounds of inadmissibility if inadmissibility is incident to the victimization. No waiver is available if inadmissibility is because of Nazi persecution, genocide, torture or extrajudicial killing; security-related grounds, international child abduction, or renunciation of citizenship to avoid taxation.	Continued presence does not lead to lawful permanent residency so waivers are not applicable.	Waivers of inadmissibility not needed for VAWA self-petitioning process. However, the good moral character self-petitioning requirement is interpreted to require that the victim demonstrate that a waiver would be available and the act is connected to the "abuse". For purposes of lawful permanent residency there are a range of inadmissibility waivers that are available specifically for VAWA self-petitioners. Eligibility requirements for each waiver vary depending on the grounds.	Battered spouse waiver applicants have already been deemed to be admissible when they were granted conditional residency. However, as with any lawful permanent resident, any acts triggering a ground of inadmissibility or deportability could result in an applicant being placed in removal proceedings.	-public charge -working without authorization -illegal entrants and immigration violators -material misrepresentation of fact -stowaways or smugglers -entering without proper documentation -unlawful presence -health related grounds -some crimes -security related grounds -NO WAIVER for aliens previously removed, drug trafficking crimes, aliens unlawfully present after previous immigration violations, or having departed to avoid being drafted.	Does not lead to lawful permanent residency so waivers are not applicable.	Does not lead to lawful permanent residency so waivers are not applicable

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Processing Times	DHS states that it takes 14 months, but research shows that it varies between 6-18 months from filing. <sup>15</sup>	DHS states that it takes 4 months. Research shows that time to prima facie (benefits): 201 days-829 days; Time to work authorization: 201 days to 820 days; Time to approval 231-820 days; Time to file for lawful permanent residency 3 years, 7 months to more than 5 years. <sup>16</sup>	Research shows that time to benefits access: 120 days; Time to work authorization: 90 days approx; Time to approval 90 days approx. <sup>17</sup>	DHS states that it takes 14 months. Research shows that it varies between 6 months to 2 years from filing. <sup>18</sup>	DHS states that it varies between 6-24 months (depending on the service center processing the case). <sup>19</sup>	DHS states that it takes 5 months. Research shows that it takes 180 days from filing. <sup>20</sup>	DHS states that it takes 6 months. <sup>21</sup> Research shows that it takes from 6-8 months.	DHS states it takes 3 months. <sup>22</sup>

<sup>15</sup> NIWAP processing times available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/research-US-VAIW/Timing-of-Access-to-Work-Authorization-6.4.12.pdf/view>. But see

<https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

<sup>16</sup> NIWAP processing times available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/vawa-t-and-u-procedures/DHS-and-IJ-Case-Processing-Times.pdf/view>. But see <https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

<sup>17</sup> NIWAP processing times available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/vawa-t-and-u-procedures/DHS-and-IJ-Case-Processing-Times.pdf/view>.

<sup>18</sup> NIWAP processing times available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/research-US-VAIW/Timing-of-Access-to-Work-Authorization-6.4.12.pdf/view>. But see

<https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

<sup>19</sup> <https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

<sup>20</sup> [http://www.ilrc.org/files/2010\\_sijs-chapter\\_03-sijs\\_overview.pdf](http://www.ilrc.org/files/2010_sijs-chapter_03-sijs_overview.pdf). But see:

<https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

<sup>21</sup> <https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

<sup>22</sup> <https://egov.uscis.gov/cris/processingTimesDisplay.do?serviceCenter=990&displaySCProcTimes=Service%20Center%20Processing%20Dates>

	U-visa	T-visa	Continued Presence	VAWA self-petition <sup>4</sup>	Battered spouse waiver	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	Section 106 : A, G, E3, and H visa recipients
<b>Renewal</b>	U-visa status may be extended if the U-visa holder is certified by law enforcement to be required for an investigation or prosecution, exceptional circumstances, or because a U-visa holder was unable to apply for lawful permanent residence due a DHS delay in issuing regulations.	T-visa status may be extended if the T-visa holder is certified by law enforcement to be required for an investigation or prosecution, exceptional circumstances, or because a T-visa holder was unable to apply for lawful permanent residence due a DHS delay in issuing regulations.	Continued presence may be extended if it is requested by federal law enforcement.	A VAWA self-petition (Form I-360) approval provides deferred action that protects the victim from deportation and lasts for one year and may be renewed until the self-petitioner is eligible to apply for lawful permanent residence.	A battered spouse waiver (Form I-751) approval extends the applicant's conditional permanent residence for one year. It may be extended annually until the battered spouse waiver application is adjudicated.	Can appeal decision, but since LPR status, no need to renew.	Can renew every two years.	EAD is issued for a period of time equal to the remainder of the applicant's current period of authorized stay. USCIS <i>may not</i> approve any requests for extensions.
<b>Leads to Lawful Permanent Residence</b>	A U-visa holder can apply for lawful permanent residence if there is no affirmative evidence that the victim unreasonably refused to cooperate in an investigation or prosecution, the applicant has maintained continuous presence in the United States for three years, and there is justification to grant permanent residence based on humanitarian grounds, family unity, or public interest.	A T-visa holder can apply for lawful permanent residence if the applicant has complied with reasonable requests in the investigation or prosecution (or was under 18 or would suffer extreme hardship), has maintained continuous presence in the United States for three years (or qualifies to apply earlier because the investigation or prosecution is complete), has good moral character, and is admissible or qualifies for a waiver.	No.	Yes. If the abuser is a U.S. Citizen, the self-petitioner can simultaneously file the VAWA self-petition and the application for lawful permanent residency. If the abuser is a lawful permanent resident, the self-petitioner will receive an approved self-petition, deferred action and work authorization, but must wait for a family preference visa to become available. This can take up to or more than 7 years, but the victim will eventually be eligible for lawful permanent residency.	Yes, the approval of the battered spouse waiver grants lawful permanent residence.	Yes. It leads directly to lawful permanent residency.	No.	No.



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<b>Public Benefits</b>	U-visa victims are not qualified immigrants eligible to receive federal public benefits or federal means tested public benefits. In some states U-visa recipients are able to receive some state funded benefits because they are lawfully present. However, U-Visa applicants may be eligible for some benefits. <sup>23</sup>	Approval of a T-visa makes the victim a qualified immigrant for the purpose of benefits. Bona fide determination grants refugee benefits as an HHS certified victim of a severe form of trafficking. <sup>24</sup>	Refugee benefits as an HHS certified victim of a severe form of trafficking. <sup>25</sup>	VAWA self-petitioners who receive a prima facie notice are qualified immigrants eligible to receive federal public benefits. Self-petitioners who entered the U.S. after 8/22/96 must wait 5 years before they can access federal means tested public benefits (e.g. TANF, Food Stamps, SSI, Medicaid). Self-petitioners subject to the 5 year bar may be able to receive state funded benefits. <sup>26</sup>	Conditional residents filing battered spouse waivers are qualified immigrants eligible to receive federal public benefits. Those who entered the U.S. after 8/22/96 must wait 5 years before they can access federal means tested public benefits (e.g. TANF, Food Stamps, SSI, Medicaid). Battered spouse waiver applicants subject to the 5 year bar may be able to receive state funded benefits. <sup>27</sup>	Once obtain LPR status, may be eligible for Title IV-E funds, federal foster care, and federal financial aid to go to college. <sup>28</sup>	None , except for those granted to undocumented immigrants. <sup>29</sup>	None
<b>Certified by HHS as a victim of a severe form of trafficking in persons</b>	No.	Yes upon receipt from USCIS of <i>bona fide</i> application determination.	Yes.	No.	No.	No.	No.	No.

<sup>23</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/U-Benefits-Eligibility-Process.pdf/view>;

<http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/TANF-Chart.pdf/view>

<sup>24</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Trafficking-Victims-Benefits-Eligibility-Process.pdf/view>;

<http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/TANF-Chart.pdf/view>; <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Childcare-Chart.pdf/view>

<sup>25</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Trafficking-Victims-Benefits-Eligibility-Process.pdf/view>;

<http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/TANF-Chart.pdf/view>

<sup>26</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/VAWA-Benefits-Eligibility-Process.pdf/view>;

<http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Medical-Assistance-State-Chart.pdf/view>;

<http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/TANF-Chart.pdf/view>; <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Childcare-Chart.pdf/view>

<sup>27</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/TANF-Chart.pdf/view>; <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Childcare-Chart.pdf/view>

<sup>28</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/TANF-Chart.pdf/view>; <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Medical-Assistance-State-Chart.pdf/view>; <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Childcare-Chart.pdf/view>

<sup>29</sup> <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Medical-Assistance-State-Chart.pdf/view>

	U-visa	T-visa	Continued Presence	VAWA self-petition <sup>4</sup>	Battered spouse waiver	Special Immigrant Juvenile Status (SIJS)	Deferred Action for Childhood Arrivals (DACA)	Section 106 : A, G, E3, and H visa recipients
Can Advocate Prepare?	Advocate should be able to help if: (1) client entered illegally, or (2) has overstayed a visa. Consult with an attorney if the client falls under the red-flags list. <sup>30</sup>	N/A	N/A	Advocate should be able to help if: (1) client entered illegally, or (2) has overstayed a visa. Consult with an attorney if the client falls under the red-flags list. <sup>26</sup>	Advocate should be able to help if: (1) client entered illegally, or (2) has overstayed a visa. Consult with an attorney if the client falls under the red-flags list. <sup>26</sup>	Advocate should be able to help if: (1) client entered illegally, or (2) has overstayed a visa. Consult with an attorney if the client falls under the red-flags list. <sup>26</sup> BUT see waiver above.	Advocate should be able to help if: (1) client entered illegally, or (2) has overstayed a visa. Consult with an attorney if the client falls under the red-flags list. <sup>26</sup> (link below)	N/A. Victim has already been admitted.

<sup>30</sup> See Red Flags list at <http://niwaplibrary.wcl.american.edu/immigration/vawa-self-petition-and-cancellation/tools/VAWA-Red-Flags.pdf/view>