

Providing Culturally Competent Help for Immigrant Victims of Intimate Partner Violence: Legal Options & Access to Services

Southern Nevada Regional Training
Nevada Network Against Domestic Violence
Las Vegas, Nevada
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Learning Objectives

- Understand dynamics of abuse experienced by immigrant victims and how they effect case strategies that promote safety and confidentiality
- Identify victims who qualify for immigration relief
- Help victims access public benefits

Immigrant Demographics

U.S. Immigrant Demographics

- * “Immigrant” defined as born outside the U.S. (and not a U.S. citizen)
- 35.7 million immigrants in U.S.
- 55% increase over 1990
- Today 25% of U.S. population are immigrants or children of immigrants

Immigrant Demographics

- 80% of immigrants are living in the U.S. legally
- 1/3 of foreign-born population are naturalized U.S. citizens
- 1/3 of permanent residents were at one time undocumented

Nevada Immigrant Demographics

- 19.2% of Nevada population foreign born
 - 39.5% naturalized citizens
 - 23.7% lawful permanent residents
- 60% rise in immigrant pop 2000-2009
- High proportion of new immigrants
 - 28.6% entered in the 1990s
 - 32.1% entered 2000 or after
- 36.9% of Nevada children have 1 or more immigrant parents

Places of Origin- Nevada

- Mexico – 44.4%
- Philippines – 13.7%
- Asia (other than Philippines) – 13.1%
- Europe – 8.7%
- Latin America – 8.6%
 - (other South/Central American and Caribbean)
- El Salvador – 3.7%
- Africa – 2.9

Children in Immigrant Families

- 85% of immigrant families are “mixed status”, including at least 1 U.S. citizen, often a child
- 1 in 5 children is the child of an immigrant
- 18% (5 and older) speak a language other than English at home
- In Nevada 87% of children with immigrant parents are U.S. citizens

***Dynamics of Domestic
Violence Experienced
By Battered
Immigrants and Their
Children***

Research Among Immigrant Women Found

- Similar results lifetime abuse rates for immigrant women in the U.S. 33-50%
- Immigrant women also have high rates of sexual assault particularly during the first two years after arrival in the U.S.
- Victimization of immigrant children also high including child sexual abuse
- Multiple immigrant populations studied

Domestic Violence Prevalence Rates and Severity

- U.S. in general – 22.1% (NIJ)
- *Immigrant women – 30-50%
- Research has found that immigrant victims
 - Stay longer
 - Have fewer resources
 - Sustain more severe physical and emotional consequences of abuse

Connection Between Abuse and Control Over Immigration Status

- Research Congress relied upon in enacting VAWA 1994
- Survey of Latina immigrants
- Lifetime abuse rate 49.8%

Abuse Rates Rise When U.S. Born Citizen Marries Immigrant Woman

- U.S. citizen spouse/ former spouse abuse rate rises to 59.5%
- Almost three times the national average

The Power of Control Over Immigration Status

- Of those married to a citizen or lawful resident spouse who could have filed legal immigration papers
- 72.3% never file immigration papers.
- The 27.7% who did file had a mean delay of 3.97 years.

Threats About and Fear of Deportation: Primary Barrier

- Unaddressed blocks all access to
 - Victim services
 - Shelter
 - Health Care
 - Police
 - Justice system
- Role of lack of information about US legal and social services system
- Affects both documented and undocumented immigrant victims

Immigration-Related Abuse Lock's Immigrant Women in Abusive Relationships

- Keeps victims from
 - seeking help
 - Getting protection order
 - Calling police
 - Cooperating in prosecutions
- NIJ Research found that 65% of immigrant victims report some form of immigration related abuse

Immigration Related Abuse as a Lethality Factor

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse
- Lethality factor could predict escalation
- Corroborates existence of physical/sexual abuse

Advocacy Makes a Difference

- Research among immigrant domestic violence victims found
 - 60.9% of victims seeking help from a victim advocate/attorney did not know about CPOs
 - 81% got them
 - Severity of physical and sexual abuse significantly increased victims willingness to get CPOs
 - 96% found them helpful
 - 68.3% of violations immigrant related abuse

Advocacy Makes a Difference

- Safety Planning and Advocacy Work
 - Victims learned about CPO
 - Advocates assessed lethality
 - When high risk of lethality more immigrant victims working with sought orders
 - Process with this help was easier than women expected

Factors Affecting Immigrant Victim's Willingness to Call Police for Help

- Positive Factors:
 - Length of time in the United States
 - She had spoken to 2 or more persons about the violence
 - (46% know other women victims)
 - Her children witnessed the abuse
 - She had a protection order
- Negative Factor:
 - Victim's immigration status

Immigration Status Affects Willingness to Call Police

- Significant difference between victims willingness to call the police related to their immigration status:
 - Stable (citizen/permanent resident) 34.4%
 - Temporary (temporary visa) 16.7%
 - Undocumented 14.8%

Primary Support Persons With Whom Battered Immigrants are Willing to Discuss Abuse

- Female Friend 49.6%
- Mother 30.1%
- Sister 22.5%
- Another Battered Woman 10.4%
- Shelter Worker 9.5%

Percent receiving services vs. percent disclosing abuse

- Lawyers/Legal Services (50.1% vs 8.7%)
- Doctor/Nurse/Health Care(59% vs.. 4.6%)
- Social Services/Social Worker
 - (58.2% vs.6%)
- Police (11.9% vs. 8.4%)
- Job Training/ESL(36.7% vs 1.5% employer)
- Religious organization/worker
 - (5.4% vs. 8.4%)

Children of Immigrant Women Who Received Help Protected Against Child Abuse

- National co-occurrence rate 30-40%
- Rates among immigrants similar
- Co-occurrence among:
 - Help seekers – 23%
 - Abused immigrants who did not seek help 77%
- Children of help seekers 20% less likely to have abuser threaten them
- 33% less likely to have abuser threaten to take them away from their mother

Role of Custody in Power and Control

- Fear of losing children is one of the most cited reasons that battered immigrants stay with their abusive husbands
- She believes he will get custody:
 - His immigration status
 - Her lack of knowledge about our laws

Working Effectively Cross Culturally

- Allow an immigrant survivor to define:
 - what she needs
 - her fears
 - the barriers she must overcome to seek help

She will define these from within her own cultural context

Keys to Success

- Be Creative
- Respond to Clients Needs
- Know Your Own Assumptions and Do Not Use Them
- Allow Battered Immigrant to Choose What She Needs
- Collaboration

Immigration 101 and Immigrant Crime Victims

You can gain citizenship while you are in which immigration status:

- **Blue:** a visa
- **Yellow:** a green card (lawful permanent residency)
- **Purple:** either

The most common way to get lawful permanent residency is:

- **Blue:** by staying in the U.S. for many years
- **Yellow:** through an employer
- **Purple:** through a family member

Who of the following would qualify for a work visa:

- **Blue:** someone who invests a million dollars in the U.S. economy
- **Yellow:** a touring artist
- **Purple:** a restaurant worker

An undocumented person is a criminal when:

- **Blue:** always, being undocumented is a crime
- **Yellow:** s/he enters the U.S. unlawfully
- **Purple** when the undocumented person commits and is convicted of a state or federal criminal law.

Why is Legal Immigration Status Important?

Small group discussion

Benefits for Victims

- Protection from deportation
- Enhanced safety for Victim
- Financial independence from perpetrator
- Legal Work Authorization
- VAWA Confidentiality
- Temporary legal immigration status
- U-visa protections for vulnerable family members
- Greater ability to gain/maintain custody of her children
- More access to victim services, health care,

Potential Immigration Remedies

- Applications filed DHS
 - VAWA self petition
 - Battered spouse waivers (spouses of USCIs with conditional permanent residency)
 - U visa
 - T visa (victims of trafficking)
 - Asylum (persecution based on protected classes)
- Forms of relief from removal- granted by Immigration Judge
 - VAWA cancellation of removal
 - VAWA suspension of deportation



General VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - spouse,
 - parent,
 - adult son/daughter (over 21)
- With Whom self-petitioner resided
 - No time period required
- Good Moral Character
- Good Faith Marriage

What evidence would you use to prove:

- Battering?
- Extreme cruelty?

Forms of Extreme Cruelty

- Emotional Abuse
- Economic Abuse
- Sexual Abuse
- Coercion
- Deportation threats
- Immigration related abuse
- Intimidation
- Social Isolation
- Degradation
- Possessiveness
- Harming pets

Factors that can constitute extreme cruelty

- Correlate strongly with physical & sexual abuse
 - Isolation
 - Intimidation
 - Economic Abuse
 - Employment Related Abuse
 - Immigration related abuse
- Threats to kill or cause bodily harm
- Threats to harm children or family members
- Threats to take away children
- Threats to take away money

What kinds of evidence could a victim submit to prove battering or extreme cruelty?
Small group discussion

Proof of Extreme Cruelty or Battery

- Self-petitioner's declaration
- Others' declarations (family, neighbors, friends, faith communities, workplace, school)
- Domestic abuse service providers (shelters, crisis lines, support groups)
- Protection orders
- Criminal court records
- E-mails, notes, letters, voicemails
- Photos: injuries, broken windows, furniture
- Med records (injuries, scars, PTSD, migraines, insomnia)
- Vet records
- Counselors (marriage, religious, mental health)
- Police reports

VAWA self-petitioning available

- If case filed within 2 years of marriage termination
- Bigamy
- Child abuse up to age of 25 to file
- Step children up until divorce
- Police report, protection order, medical records NOT required
- *All credible evidence* standard of proof

Approved VAWA petitions

- Protection from deportation and detention
 - deferred action status.
- Legal work authorization
- Ability to apply for lawful permanent residency through VAWA

VAWA Cancellation Elements

- Relationship to abusive party (broader than self-petition)
 - Mother of a child abused by the child's other parent who is a USC or LPR even when no marriage
 - More than 2 years have passed since divorce from the abuser
- Battered or Subject to Extreme Cruelty
- Good moral character
- Extreme Hardship to return to the home country
- Three years physical presence in the U.S.
- Not inadmissible

Crime Victim (“U”) Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law



Criminal activities covered by the U-visa?

- Rape
- Torture
- Trafficking
- Incest
- Domestic violence
- Sexual assault
- Prostitution
- FGM
- Blackmail
- Extortion
- Manslaughter
- Murder
- Felonious assault
- Witness tampering
- Involuntary servitude
- Slave trade
- Being held hostage
- Kidnapping
- Abduction
- Peonage
- False Imprisonment
- Obstruction of justice
- Perjury
- Attempt, conspiracy or solicitation to commit any of these crimes
- Any similar activity

Who might be helped by the U Visa?

What protection is there for family of U Visa applicants?

- Adult victims:
 - Spouse
 - Children
- Victims under 21 at time of criminal activity
 - Spouse
 - Children
 - Parents
 - Unmarried siblings under 18 (at the time of filing)

Who can certify?

- Police officer
- Prosecutor
- Judge
- Immigration Officer
- Other authority with responsibility for investigation or prosecution of criminal activity

Other Federal, State or Local Agencies

- Agencies with criminal investigative jurisdiction
- In areas of expertise
- Including but not limited to
 - Child Protection Services Worker
 - Adult Protective Services Worker
 - EEOC
 - Department of Labor

“Investigation or Prosecution”

Includes:

- Detection
- Investigation
- Prosecution
- Conviction
- Sentencing

Why “Criminal Activity” and not limited to “Crimes”?

- U visa protection available even when:
 - Investigation does not result in prosecution
 - Victim helpful in investigation does not testify at trial
 - Abuser eludes arrest
 - Criminal case dismissed
 - Victim comes forward makes report and police or prosecutors decide not to prosecute
 - Prosecution but no conviction
 - Victim of listed criminal activity but another crime prosecuted
 - Prosecution cannot take place (diplomats, no extradition)

“Physical or Mental Abuse”

- Injury or harm to the victim’s physical person
- Impairment of the emotional or psychological soundness of the victim

What is substantial physical or emotional abuse?

- Decided based upon each individual's experience
- Case-by-case determination using these factors:
 - nature of the injury inflicted or suffered;
 - severity of the perpetrator's conduct;
 - the severity of the harm suffered;
 - the duration of the infliction of harm;
 - permanent or serious harm to victim's
 - appearance,
 - health,
 - physical, and mental soundness

Substantial Abuse (continued)

- No one factor is required
- Can include pre-existing conditions
- Can consider the severity of the perpetrator's conduct even if the actual impact is less than intended by the perpetrator

Evidence to Prove:

- Physical abuse or injury
- Severity of perpetrator's conduct
- Emotional abuse or injury

The U-visa Process

1. Certification
2. Application
3. Prima Facie if detained or in removal proceedings
4. Approval
5. U-Visa status 4 years
6. Some will qualify for lawful permanent residence

U-visa Certification:

Considerations For Law Enforcement

- Identify the victim
 - Note injuries observed
- Helpfulness of the victim
 - Current or past
 - Willingness to be helpful
- Any family members implicated in the crime
- Goal: Identification of the crime, the victim and initiation of the process

Which U-Visa Recipients Can Obtain Lawful Permanent Residence?

- Did not unreasonably refuse to cooperate in the detection, investigation or prosecution of criminal activity; AND
 - Humanitarian need; OR
 - Family unity: OR
 - Public Interest
- Homeland Security review of cooperation and the reasonableness of non-cooperation is required for lawful permanent residency
- After 5 years lawful permanent residency can apply for naturalization

Comparison VAWA vs. U-visa

- Abuser spouse, former spouse, parent, 21+ USC child
- Abuser USC or LPR
- Children included
- No cooperation with law enforcement required
- No proof of harm
- Criminal involvement can cut off access to relief
- Qualified immigrant = public benefits
- One year wait for work authorization
- Protection from deportation 1 yr
- Green card after approval if abuser is a citizen or 7 yr wait if abuser LPR
- Abuser anyone
- Any status
- Children included
- Cooperation in detection, investigation or prosecution required
- Substantial physical or emotional abuse
- Crimes can be waived
- PRUCOL less benefits access
- One year wait for work authorization
- If in immigration proceedings case expedited
- Green card after 3 years **if** can show cooperation + either humanitarian need, public interest or family unity

Small Group Activity

Hypothetical Case
Immigration Relief

Maura is 17-years from Mexico. She came to the U.S. at age 5 crossing the border with her mother. When Maura was 15 years old, her mother married an Jose a lawful permanent resident abuser. After enduring 5 years in the abusive household and sexual advances from her step father, Mayra left home and moved in with her boyfriend Juan, who started battering Maura when she became pregnant with their child. During an incident of abuse, the neighbors heard Maura screaming and called the police. When they arrived, Maura described the incident to the police officer, but fearing that she would get deported, she did not appear at the hearing on the domestic violence charge. The charge was amended to misdemeanor battery. Juan pled no contest and was convicted of battery. For what form of relief, if any, is Maura eligible

Screening and Safety Planning In the Context of Immigration Enforcement

Factors That Harm Victim Access to VAWAs Immigration Protections

- Criminal History
- Purchase/use of false documents
- Immigration/Benefits Fraud
- Other Red Flags

Screening for Red Flags

- Alcohol abuse
- **Drug trafficking**
- Drug abuse or addiction
- Illegal gambling
- False testimony for immigration purposes
- Penal confinement
- Genocide, torture, killings, violations of religious freedom
- **Child Protective Services intervention**
- Communicable disease
- Physical or mental disorder
- **Any criminal convictions**
- Unlawful voting
 - Polygamy
- Prostitution
- Human trafficking
- \$ laundering
- Terrorist activities
- Espionage
- Communist
- Public charge
- Immigration violation
- Misrepresentation for immigration purposes
- Stowaway
- **“Alien smuggling”**
- Draft evasion
- **Previously deported**
- **Unlawfully present**
- **Unlawful entry**
- International child abduction

VAWA Protections In a Time of Increased Immigration Enforcement

- Increased funding = greater likelihood of DHS response to perpetrator's calls
- Undermines community policing
- Victims safety concerns
 - Transportation
 - Timing of help offered
 - Maintaining custody of children
- Early identification of victims who qualify for VAWA, T or U immigration benefits

Early Identification and Certification Is Crucial for Victim Safety

- Victims who are eligible for
 - VAWA
 - T-visas
 - U-visas
- Sole and primary caretaker parents

DHS Humanitarian Release

- Breastfeeding mothers
- Sole/primary caregivers of children
- Screening in detention done
 - In English/Spanish
 - Oral and writing
- Release as
 - Order of recognizance
 - Order of supervision
 - Alternatives to Detention

New Release From Detention Homeland Security Policy (August 20, 2010)

- Applies to Homeland Security Detention
 - Initiation and prosecution of removal of immigrants
 - Homeland Security detention
- Release for immigrants with a filed, pending or approved applications for immigration benefits
 - U visa,
 - T-Visa
 - VAWA,
 - Family Petition

August 2010 DHS Policy

- Dismissal without prejudice of removal case if DHS believes the applicant is likely to receive an immigration benefit
- Unless applicant
 - Has criminal convictions or misconduct
 - Is a threat to public safety or national security
 - Evidence of fraud
- Importance of Predominant Aggressor Determination

DHS Prosecutorial Discretion Not to Initiate Removal Against Crime Victims and Witnesses

June 17, 2011

- Minimize the effect that immigration enforcement may have on the willingness and ability of
 - Victims of crime
 - Witnesses to crime
 - Individuals pursuing legitimate civil rights complaints
 - To call the police and pursue justice
- Designed to stop immigration officials from acting
 - When local police make dual arrests
 - Leading to victims being arrested and having their fingerprints turned over to DHS

Ensuring Victim Access to VAWA, T and U-visa Protections

- Reminds immigration officers, agents, attorneys about immigration law protections for
 - Victims of domestic violence
 - Crime victims
 - Human trafficking victims
- Directs use of new “red flag” “384” computer system to identify victim who have already filed for or have been granted victim-based immigration relief

Particular Attention Paid To:

- Victims of domestic violence, human trafficking, or other serious crimes
 - Broader than U-visa crimes;
- Witnesses involved in pending criminal investigations or prosecutions;
- Plaintiffs in non-frivolous lawsuits regarding civil rights or liberties violations
 - Employment (sexual assault, sexual harassment, discrimination)
- Individuals engaging in a protected activity related to civil or other rights who may be in a non-frivolous dispute with an employer, landlord, or contractor. Includes
 - Union organizing
 - Complaining to authorities about
 - Employment discrimination
 - Wage violations
 - Housing conditions

Prosecutorial Discretion to Ensure Enforcement Conforms to DHS Priorities

- In the *civil immigration context* DHS is confronted with more *administrative violations* than resources
- By favorably exercising prosecutorial discretion, DHS decides not to assert the **full** scope of its enforcement authority available to the agency in a given case.
- Prioritize use of enforcement personnel, detention space and removal assets on:
 - National security
 - Border security
 - Public safety
 - Integrity of the immigration system

Factors to Consider-Negative

- Clear risk to national security*
- Serious felons, repeat offenders, or individuals with a lengthy criminal record of any kind*
- Known gang members or other individuals who pose a clear danger to public safety*
- Individuals with an egregious record of immigration violations, including those with a record of illegal re-entry and those who have engaged in immigration fraud*
- Criminal history, including arrests, prior convictions, or outstanding arrest warrants
- Immigration history, including any prior removal, outstanding order of removal, prior denial of status, or evidence of fraud
- Whether the person poses a national security or public safety concern

Positive factors

- Length of time in US (including lawful presence)
- Circumstances of arrival, manner of entry,
- Presence in the U.S. since childhood*
- Pursuit of education: US high school/college
- Person/close family, veteran/military particularly combat*
- Community/family ties, contributions
- Ties to/conditions in home country
- Age – minor, elderly*
- USC/LPR spouse, parent, child
- Person who suffers from serious mental or physical disability or serious health condition*
- Primary caretaker of child, person with mental/physical disability, seriously ill parent

Other positive factors

- Pregnant or nursing women*
- Spouse is pregnant or nursing
- Nationality renders removal unlikely
- Long time lawful permanent residents*
- Likely to be granted immigration relief as
 - spouse, child of a citizen of lawful permanent resident
 - Domestic violence, trafficking or victim of other serious crime*
 - Crime victim
 - Asylee/refugee
- Currently cooperating or has cooperated with federal, state or local law enforcement authorities, such as ICE, federal or state prosecutors, Department of Labor, or National Labor Relations Board, among others

Maura is 17 year old from Mexico. She came to the U.S. at age 5 crossing the border with her mother. When Maura was 15 years old, her mother married an Jose a lawful permanent resident abuser. After enduring 5 years in the abusive household and sexual advances from her step father, Mayra left home and moved in with her boyfriend Juan, who started battering Maura when she became pregnant with their child. During an incident of abuse, the neighbors heard Maura screaming and called the police. When they arrived, Maura described the incident to the police officer, but fearing that she would get deported, she did not appear at the hearing on the domestic violence charge. The charge was amended to misdemeanor battery. Juan pled no contest and was convicted of battery. How would you argue for prosecutorial discretion in Maura's case?

VAWA Confidentiality

- DHS barred from making inadmissibility or deportability decisions based solely upon information provided by abusers, including family members of abusers
- DHS cannot disclose VAWA information to anyone (except in limited circumstances)

Immigration judge to dismiss case if any part of an enforcement action occurs at:

- A shelter
- Rape crisis center
- Supervised visitation center
- Family justice center
- Victim services program or provider
- Community based organization
- Courthouse in connection with any
 - Protection order case, child custody case, civil or criminal case involving or related to domestic violence, sexual assault, trafficking,

Safety Planning Challenges Related to Enhanced Immigration Enforcement

- Immigration screening as early as possible essential
- Cannot assume by name or sight that victim is or is not an immigrant
- Changes in strategy – Immigration case filed before
 - CPO, family or criminal court case

LEGAL – Victim travels to new location

momentum

Advancing Women's Rights

New York and Washington, D.C.

Application for VAWA, T or U immigration status improves immigrant victims access to public assistance

- Screen for immigration case already filed
- Screening + Filing (VAWA, T or U) =
 - Lawful Presence
- Filing for immigration benefits required for VAWA self-petitioners to become qualified immigrants eligible for federal public benefits

Early Victim Identification, Certification & VAWA/U-Visa Filing

- Cut off perpetrator's ability to trigger the victim's deportation
- Help victim secure
 - Protection from deportation
 - Release from detention
 - Swift adjudication of immigration case for victims detained or in immigration proceedings
- Provide victim security & support
- Victim can more safely cooperate in criminal case against perpetrator

***Immigrant Victim's Legal
Rights to Access Benefits,
Housing, Legal Services,
Victim Services and
Protections***

Immigrants and Benefits

True (Yellow) **False** (Purple)

1. Receiving public benefits can harm an immigrant victim's ability to obtain legal immigration status
2. Undocumented immigrant parents can apply for public benefits for immigrant children
3. Immigrants applying for benefits for their children can refuse to provide immigration or social security information about themselves
4. Undocumented victims and children can access transitional housing programs
5. Federally funded health care is available for undocumented immigrants
6. DHS requires universities to ask about immigration status of applicant or enrolling students

What types of services and assistance are open to all persons without regard to immigration status?

Both Documented and Undocumented Immigrant

Victims Can Access:

- Protection Orders
- Shelter
- Transitional Housing
- Child Custody and Support
- Receive Emergency Medical Care
- Police Assistance
- Have Their Abusers Criminally Prosecuted
- Assistance for Crime Victims
- Obtain Public Benefits for Their Children
- Legal Services
- Language Access

Attorney General's List of Required Services

- in-kind services
- provided at the community level
- not based on the individuals income or resources
- necessary to protect life & safety

Benefits Available to All Immigrants

- Crisis counseling and intervention
- Child and adult protection services
- Violence and abuse prevention
- Victim assistance
- Treatment of mental illness or substance abuse
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Short-term shelter or housing assistance for the homeless, victims of domestic violence, or for runaway, abused, or abandoned children
- Nutrition programs for those requiring special assistance

Undocumented Immigrant Victims and Transitional Housing

- In transitional housing programs what kinds of barriers, practices, rules might impede immigrant victim access to transitional housing?

Other Federal Benefits Available to ALL Immigrants

- Elementary and Secondary education
- School lunch and breakfast
- WIC
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid

Health Care Open to All Immigrants

- Community and migrant health clinics
 - www.nachc.com
 - www.hrsa.gov
 - Enter zip code
- State funded programs
- Post assault health care paid by VOCA
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid

Federally Qualified Health Centers Offer

- Primary care
- Diagnostic, laboratory and radiological services
- Prenatal care
- Post-assault health care
- Cancer and other disease screening
- Well child services
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Emergency medical and dental services

State-by-State Health Care Charts

- Emergency Medicaid
- Forensic Examinations
- Post-Assault Health Care
- Pre-Natal Care
- www.iwp.legalmomentum.org
 - Nevada chart included in materials

When children qualify and their parents do not:

- If a child qualifies for benefits as a citizen or qualified immigrant the benefits granting agency may only ask questions about the child's eligibility
- No questions may be asked about the immigration status of the child's parent if the parent is not applying for additional benefits for themselves

Brainstorming Activity

- List range of services open to help undocumented victims

Public Benefits

Immigrant Restrictions

- Only programs that are as a matter of law
- “federal public benefits” or
- “federal means-tested public benefits”
- Have immigrant restrictions

“Federal Public Benefits” are US agency funded/provided:

- Grants, contracts, loans, professional or commercial licenses and
- Benefits for retirement, welfare, health, disability, postsecondary education, public or assisted housing, food assistance or unemployment

Only considered a federal public benefit if:

- Payment made or assistance provided directly to:
 - An individual
 - A household
 - A family eligibility unit

Funds are Not Federal Public Benefits if Federal Funds Are

Paid to:

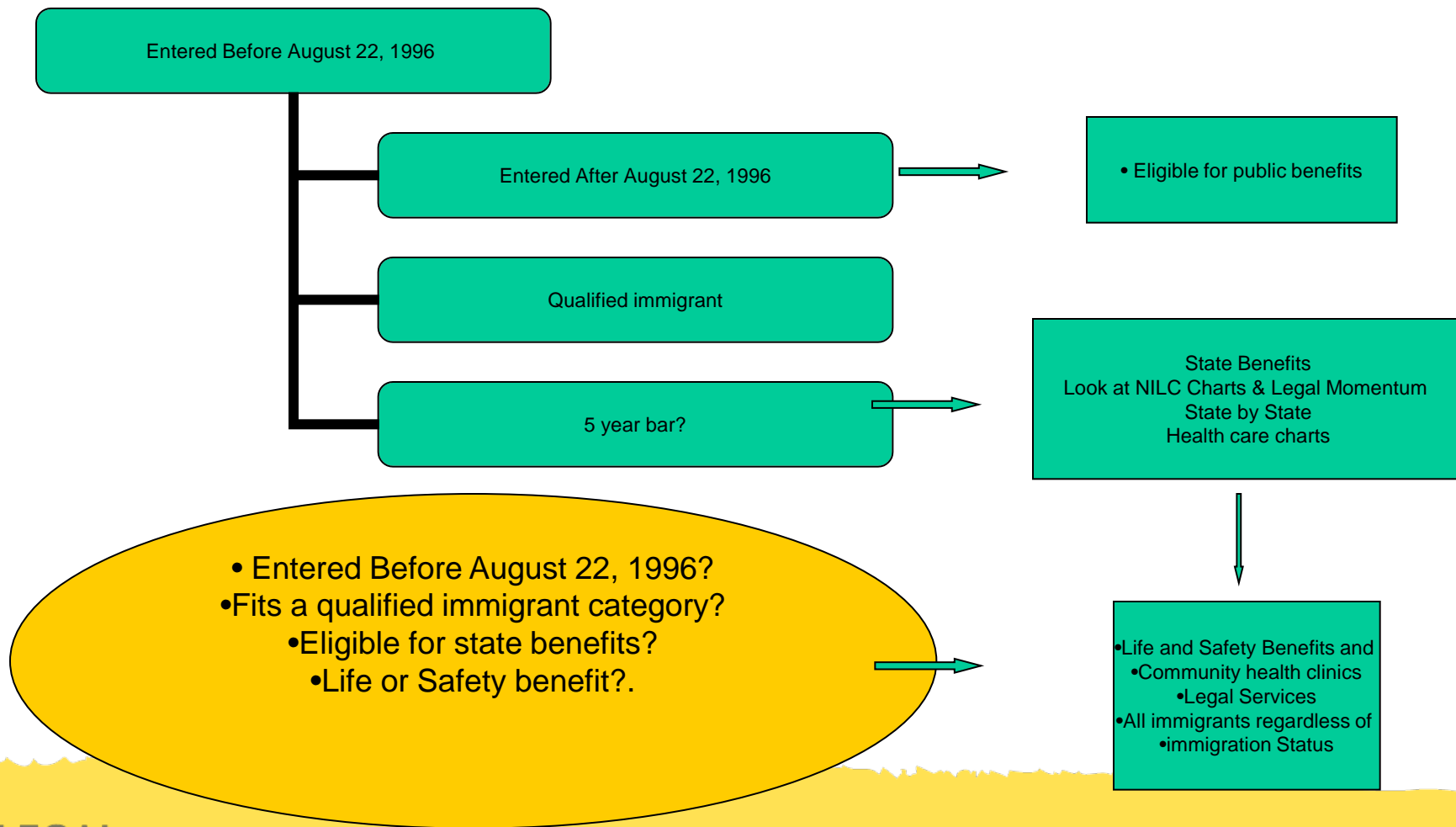
- A state in the form of a block grant
- A victim services program
- A shelter
- A hospital
- A health clinic
- A government entity
- A non-profit organization

Qualified Immigrant Access to Federal public Benefits

- All qualified immigrants can access some federal public benefits
- Which benefits they can access depends on
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs
 - What benefits are offered by the state
 - Nevada offers none

What are some creative options you could help immigrant victims access who do not qualify for state or federal public benefits?

How to determine whether an immigrant is eligible for public benefits



Qualified Immigrants

- Lawful Permanent Resident (LPR)
- Refugee, Asylee, Withholding of Deportation/ Removal, Conditional Entrant status
- Paroled into U.S. for at least 1 Year
- Cuban/Haitian Entrant
- Amerasians
- Veterans of certain US military Action
- VAWA Battered Spouse and Battered Children
- Child of VAWA Battered Spouse
- Victim of a severe form of trafficking

Partial List of Federal Public Benefits/Community Programs Open to All Qualified Immigrants

- Public and assisted housing
- Post-secondary educational grants & loans
- Social services block grant programs
- Child care
- Low income energy assistance program
- Disability benefits
- Assistance to developmentally disabled
- Job opportunities for low income individuals

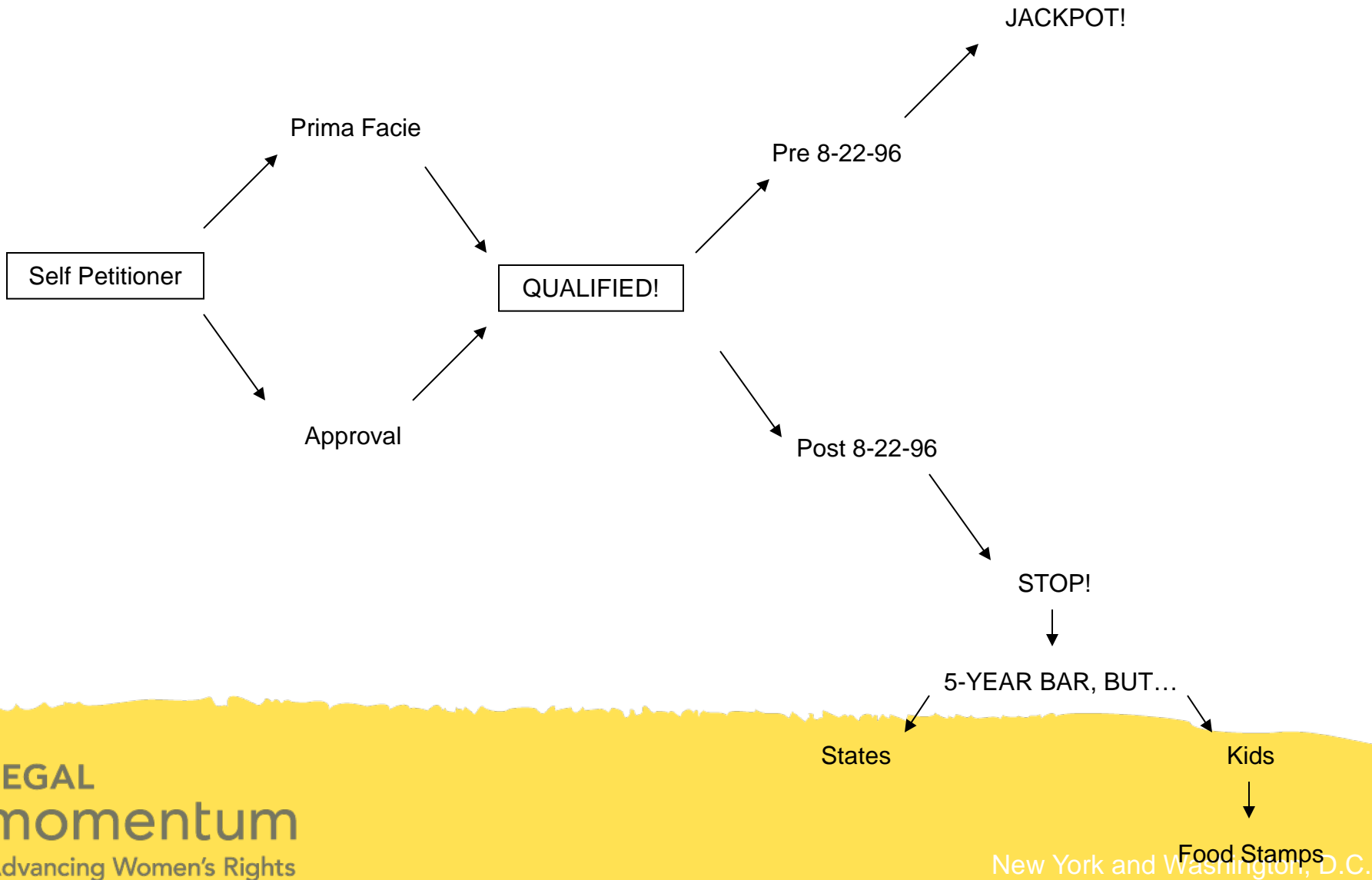
Federal Means-Tested Public Programs

have most limited immigrant access:

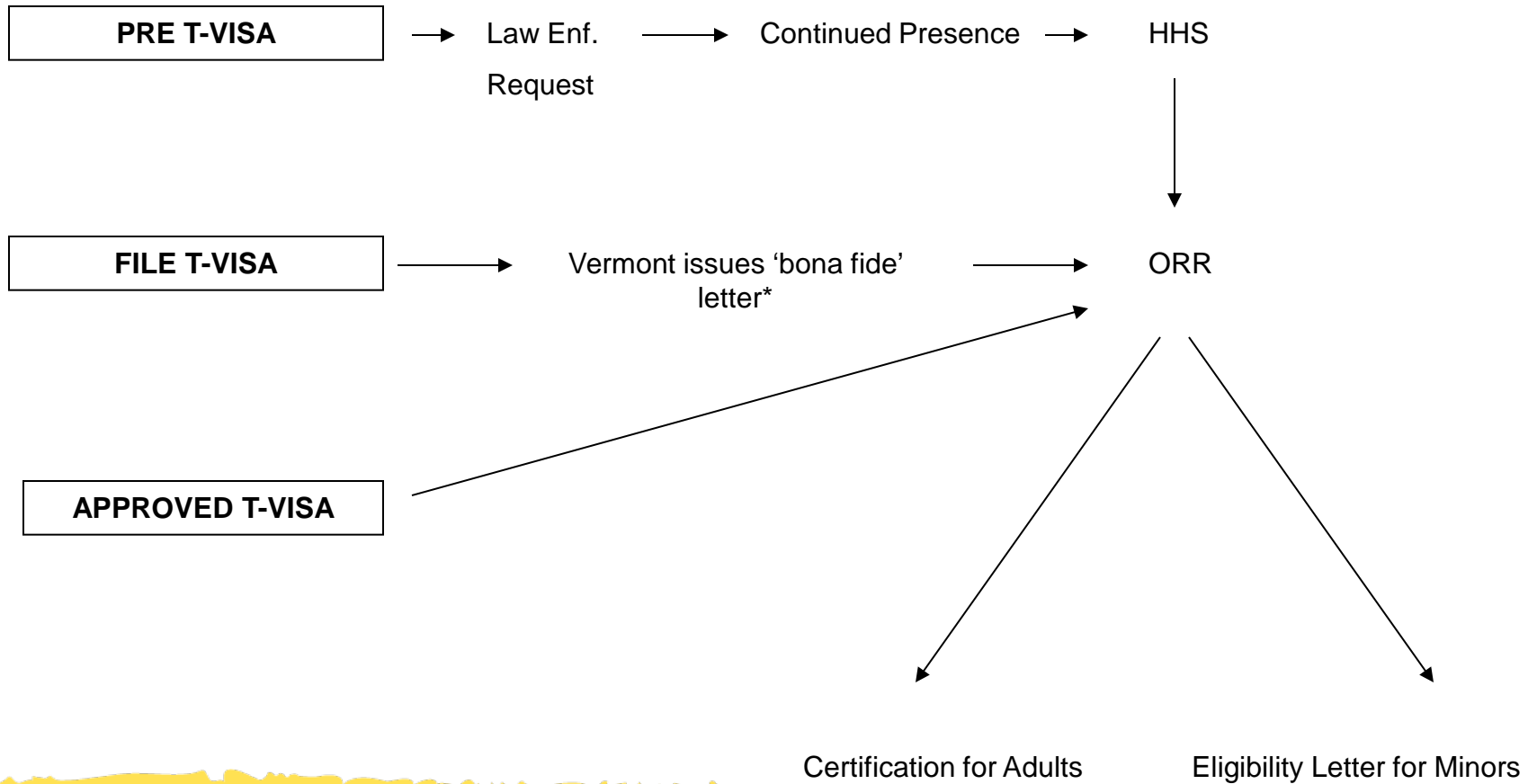
- TANF 5 yr bar post 8/22/96
- SSI – Refugee/Trafficking victims
 - Lawful permanent residents only if 40 quarters or work credit + qualified immigrant status for 5+ years if post 8/22/96 entry
 - Veteran and qualified immigrant spouses, children
- Food Stamps
 - Qualified Immigrants 5 year bar post 8/22/96
- Medicaid and Child Health Insurance Program
 - Health Care reform opened up access to immigrants who are “lawfully present”

Food Stamps for Qualified Immigrant:

- **Children under 18**
 - regardless of date of entry
- **Receiving disability benefit**
 - regardless of date of entry
- **Persons who have been qualified immigrant for five years or more**
- **Refugees**
- **Human Trafficking victims**

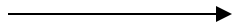


Benefits Eligibility for Victims of Severe Forms of Trafficking

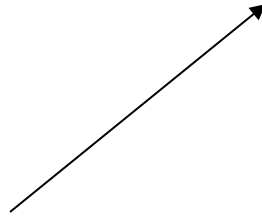


* Takes longer time to issue without law enforcement letter.

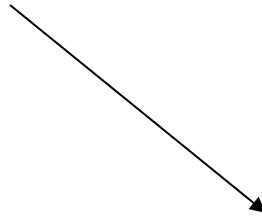
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VISA



Interim Relief



Non-PRUCOL States



PRUCOL States

Small Group Exercise

- Dee is from Thailand. She has 2 children. A son who was born in the U.S. and a daughter was born in Thailand. She recently left her husband, an undocumented Thai immigrant farm worker from because he was abusive toward her. Her neighbor called the police and a criminal case was started Dee's husband.
- What federal benefits can Dee and her children access?
- What state benefits?
- How would her access be different if Dee's husband was a US citizen?