LEGAL momentum
The Women's Legal Defense and Education Fund

M E M O R A N D U M

TO: Advocates, Attorneys, Benefit Providers, Justice System Personnel, and other interested persons

FROM: Leslye Orloff and Edna Yang, Immigrant Women Program, Legal Momentum

DATE: January 16, 2001

RE: §466(a)(13) of the Social Security Act

I. Overview of Problem

Section 466(a)(13) of the Social Security Act states that certain legal and administrative procedures require a social security number to be recorded in order for a transaction to be finalized. These procedures require (A) any applicant for a professional license, occupational license, recreational license, or marriage license; (B) any individual who is subject to a divorce decree, support order, or paternity determination or acknowledgment; and (C) any individual who has died to have their social security number recorded on the applications and records.[1] The purpose behind recording a person's social security number in these instances is two-fold: (1) it serves as a method of identification; and (2) it acts as an enforcement tool for child support orders.

Social security numbers have been widely used as a form of identification for individuals in many contexts. They have also been used as a mechanism with which to "track" people. This tracking purpose is key to enforcing payment under child support orders.

Although §466(a)(13) serves a purpose that will ultimately benefit battered immigrant women who have child support orders for their children, it also, unfortunately, places undocumented battered immigrant women in a cruel unintended dilemma. Requiring social security numbers for

[1] § 466(a)(13) Social Security Act

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persons filing for divorce, support, or paternity effectively bars individuals without such numbers from much needed legal relief. Further, it opens up the risk of being reported to INS by Court officials, judges or others who have no legal responsibility to inquire into or report to INS the immigration status of persons who avail themselves of the remedies that the justice system provides.

A significant barrier that keeps battered immigrant women from seeking legal protection and remedies is the fear that they will be reported to the Immigration and Naturalization Service ("INS") and deported. "A survey conducted by Ayuda in 1993 noted that 83% of the battered immigrants interviewed did not contact law enforcement about the abuse. In many cases, this was directly related to their fear of deportation."[2] Many of the fears of these battered immigrant women are well-founded ones. In some instances, justice system personnel who have anti-immigrant sentiments will choose to voluntarily ask about and report the immigration status of litigants rather than enforce the criminal laws when the victims are immigrants. Section 287(g)(10) of the Immigration and Nationality Act, as added by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRAIRA"), specifically requires that all jurisdictions allow:

> Any officer or employee of a state or political subdivision of a State who chooses to do so
> -to communicate with the US Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States;
> -or otherwise to cooperate with the US Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.[3]

Officers, prosecutors, and other justice system personnel often incorrectly interpret this section as a mandate to inquire about the immigration status of battered immigrant litigants. This

[2] Orloff, Leslye E. and Nomi Dave. *Identifying Barriers: Survey of Immigrant Women and Domestic Violence in the DC Metropolitan Area*. POVERTY AND RACE 9-10 (Jul/Aug 1997), *cited in* SOMEWHERE TO TURN: MAKING DOMESTIC VIOLENCE SERVICES ACCESSIBLE TO BATTERED IMMIGRANT WOMEN, A "HOW TO" MANUAL FOR BATTERED WOMEN'S ADVOCATES AND SERVICE PROVIDERS, 279 (May 1999).

[3] Illegal Immigration Reform and Immigrant Responsibility Act 8 U.S.C. 1357 §287 (1996).

interpretation is an incorrect one and is based upon a variety of assumptions about the immigration status of these litigants. §287(g)(1) of IIRAIRA allows state and local government officials to report undocumented immigrant statistics to the INS, it does not require that they do so. This incorrect interpretation of §287(g)(1) compounded with problems in §466(a)(13) provides an almost impossible barrier to overcome for battered immigrants who seek to leave abusive homes using the legal system.[4]

Women are faced with the choice between staying with an abuser or risking that accessing systems designed to help battered women could lead to their deportation and permanently cut them off from their US citizen children. §466(a)(13) if wrongly interpreted by states and local governments can result in government officials becoming accomplices in the abuser's efforts to use control over a victim's immigration status as the ultimate and most effective tool of control.

Furthermore, §466(a)(13) has the absurd effect of not deterring immigrants with social security numbers, who are subject to child support orders from hiding the fact that they actually have a social security number so as to avoid having a child support order entered against them or avoid being tracked for nonpayment of an already enacted child support order. The US Department of Health and Human Services Administration for Children and the Families Office of Child Support Enforcement ("HHS") has attempted to address some of the above problems in a memorandum to clarify and interpret §466(a)(13).[5] Unfortunately, this memorandum does not offer a viable solution for the problems that undocumented battered immigrant women will face under §466(a)(13) of the Act.

[4] Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("PRWORA") contains the most stringent reporting requirement, mandating that reporting to the INS only applies with regard to applicants for four specific public assistance programs: Temporary Assistance for Needy Families (TANF); Supplemental Social Security Income (SSI); Public Housing; and the Food Stamp Program.

[5] US Department of Health and Human Services, PIQ-990-05 (July 14, 1999).

A) §466(a)(13) of the Social Security Act will Deter Undocumented Battered Immigrant Women from Obtaining the Necessary Help from the Legal System, Which They Qualify For, to Escape from Abusive Relationships

The requirement of a social security number under §466(a)(13) to obtain a divorce decree presents one main troubling issue for undocumented battered immigrant women and their advocates. The Act can operate to shut the courthouse doors to these women seeking legal protection and/or a separation from an abuser and custody of their children.

Many immigrant women have been subjected to serious physical and emotional abuse, and controlled by their abusers. An often-used form of control over undocumented battered immigrant women if they attempt to leave their abusers or try to seek help to stop the abuse is to prevent them from attaining an independent legal immigrant status apart from their abusers. Many undocumented battered immigrant women are misled by their abusers into believing that they will be arrested and deported if they try to seek help to stop the abuse or if they try to leave their abusers.[6] §466(a)(13) adds a barrier to accessing the legal system and makes it less likely that an undocumented battered immigrant woman will actually leave, believe that she can leave, or begin the process of leaving an abusive situation.

B) §466(a)(13) of the Social Security Act Will Not Increase the Effectiveness of Enforcement of Child Support Orders

§466(a)(13) does not provide a viable method of enforcement for child support orders. In order to be subject to §466(a)(13) an individual needs to actually agree to be tracked and identified through his social security number by subjecting himself to the jurisdiction of the court and affirmatively offering his social security number on the child support order. While §466(a)(13) of the Act may be effective in identifying and tracking already existing child support orders, it works

[6] *See* Dutton, Mary Ann, Leslye E. Orloff, and Giselle Aguilar Hass. *Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications*. 7 GEORGETOWN JOURNAL ON POVERTY LAW & POLICY 245 at 293 (Summer 2000) (stating that "threats of deportation are very powerful tools used by abusers of immigrant women to keep them in abusive relationships and prevent them from seeking help.)

to prevent many undocumented battered immigrant women from obtaining needed child support orders because they fear deportation if their undocumented status is suspected. If this barrier is overcome, and the undocumented battered immigrant woman does obtain a divorce decree and child support order from her abuser, in order for §466(a)(13) to be effective, it must rely on the good faith of the abuser in truthfully stating whether he has a valid social security number.

Although the intent of §466(a)(13) was good, the method of attaining the planned goal of a generally enforceable child support order works to exclude undocumented battered immigrant women from effectively accessing the system. It also provides a way for the abusers of these undocumented battered immigrant women to escape subjecting themselves to child support orders by allowing them to misrepresent whether they have social security numbers.

II. HHS' Response to the Problems Associated With § 466(a)(13) of the Social Security Act is Ineffective in Addressing the Above Problems

In response to the problems posed by §466(a)(13), HHS issued a memorandum on July 14, 1999 interpreting the statutory language that was used, stating that "a social security number is not a necessary pre-condition" to apply for the various matters listed in §466(a)(13) including divorce, support, and paternity acknowledgment and is only applicable if an individual has a social security number. Therefore, when an applicant does not have a social security number this does not preclude them from receiving the services listed under § 466(a)(13).[7] In situations where an applicant does not have a social security number, HHS advises States to adopt a policy where an applicant submits a "sworn affidavit under penalty of perjury, along with an application stating that they do not have a social security number."[8] It is important to recognize that this suggestion is only advisory and is a suggestion that fails to provide a meaningful remedy for undocumented battered immigrant women.

[7] US Department of Health and Human Services, PIQ-990-05 (July 14, 1999)
[8] Id.

Advising states to ask those who do not have social security numbers, such as undocumented battered immigrant women, to sign a sworn affidavit regarding the fact that they do not have a social security number does nothing to remove the barrier that 466(a)(13) poses for undocumented battered immigrant women. If anything, it adds another barrier for all undocumented immigrants.

Many undocumented immigrants do not feel safe admitting under oath that they do not have a social security number.[9] This anxiety is exacerbated in areas that are known to be unfriendly to immigrants and where judges, court personnel, or law enforcement officials could possibly voluntarily use information obtained on the sworn affidavits to implement deportation proceedings by calling INS on persons they suspect are undocumented. Often times these fears are not irrational ones. Delaware has adopted the exact language of §466(a)(13) into its state code regarding domestic relations and child support enforcement.[10] This language was adopted in order to achieve the same goal that was intended under §466(a)(13)—tracking of individuals through their social security numbers in order to better enforce child support orders. This intended affect, however, has not been achieved in reality. Instead battered immigrant spouses, who have no social security numbers, have become barred from the courts. In one Delaware case a battered immigrant woman has been reported to the INS by a judge who inquired into her immigration status when she came to court seeking a protection order to protect her from her abuser.[11] Even worse, the Delaware Family Law Courts have also begun to expand the reach of the Delaware statute beyond the three listed actions—divorce, child support, and paternity—and have required a social security number in order to issue a Civil Protection Order, or any other Family Law Orders.[12] This expansive interpretation of the language of the Delaware statute and §466(a)(13) place a significant

[9] Social Security numbers are only issued to individuals who are U.S. citizens or lawful permanent residents. Non-work Social security numbers can also be issued in some instances, but there are several requirements that need to be met in order to obtain a non-work social security number. *See* 20 CFR 422.104.
[10] *See* 13 Del. C. § 2214(a)(3).
[11] Technical Assistance call from Jackie Mette to Leslye Orloff, Immigrant Women Program, NOW Legal Defense and Education Fund. (October 29, 1999)
[12] Id.

number of battered immigrant women and their children at risk of imminent danger and may jeopardize their lives. It takes an absolutely necessary protection, the civil protection order, away from battered women and makes it almost impossible for many to escape an abusive relationship. It also frustrates those law enforcement officials who appropriately try to intervene to prevent the abuse from occurring in the first place.

Although HHS has issued an advisory notice stating that social security numbers are not a prerequisite for obtaining the various licenses and decrees, and orders under §466(a)(13), its suggestion of requiring persons without SSN submit an affidavit under penalty of perjury regarding their lack of a social security number indirectly makes a social security number a prerequisite to the obtaining legal remedies for the matters listed under §466(a)(13) of the Act including divorce and child support. Many advocates and attorneys working with immigrants are reluctant to suggest that their clients sign an affidavit under oath in front of the court stating that they do not have a social security number because this admission, as seen in the case in Delaware, can become a stepping stone for a deportation proceeding against the undocumented immigrant. The actual effect if §466(a)(13) is interpreted to require social security numbers or a sworn affidavit will be to force undocumented battered immigrant women to remain in highly abusive relationships because of a lack of any meaningful access to legal recourse or protection.

In the end, interpreting §466(a)(13) in a manner that closes court house doors to many immigrants provides batterers who are legal residents, U.S. citizens, or those who have visas from INS that allow them to live and work in the United States with another potent form of control and power over the family members that they abuse and whose immigration status they control. If the undocumented battered immigrant woman actually overcomes her fear and submits to the court an affidavit admitting her lack of a social security number, alluding to her undocumented status, her batterer could use this information himself, even if the court chooses not to, to contact the Immigration and Naturalization Service ("INS") to initiate deportation proceedings.

Finally, the HHS advisory suggestion regarding §466(a)(13) can be used to immunize batterers from being subjected to enforceable child support orders. If the batterer is intent on maintaining control over the family members he is abusing, there is no mechanism, which prevents this batterer from lying on the court form and stating that he does not have a social security number in order to avoid being "tracked" for purposes of child support. The batterer is insulated from deportation because of his legal immigration status.

III. §466(a)(13) is Against Public Policy and Should Not be Used or An Alternative Approach Should be Adopted

As illustrated in the Delaware examples, undocumented battered immigrant women face high risks when leaving their abusers. When these challenges are made even more difficult by closing off the any significant legal remedy and access to the court, then it makes it almost impossible for these battered immigrant women and their children to leave their abusive homes. It denies them fundamental access to the court system.

As a matter of both social and public policy, there is a strong incentive to allow all people to have their day in court. Historically family courts have been open to all persons without regard to immigration status. Family courts play an extremely important role in providing aid and legal remedies to victims of domestic violence, regardless of their immigration status. Choosing to close the family courts to litigants based on their immigration status is tantamount to allowing domestic violence crimes to be committed as long as the victims are undocumented immigrants or immigrants dependent on an abuser for legal immigration status. Further, cutting off access to family courts for these families will also frustrate the justice system's ability to prosecute abusers, as victims who cannot be protected will fear cooperating in the criminal case. The statistics on domestic violence exemplify how pervasive violence in the homes is, regardless of immigration

status and why the courts should be open as a remedy to all victims of domestic violence.[13] The family court system ensures that divorces are carried out in a fair manner. When children are involved in divorce, the courts play an even larger role in guaranteeing that the proceeding take place in a fair manner without one party exercising control, whether economic or psychological and physical, over the other party.

"In 1960 the American divorce rate was approximately nine divorces per year per 1,000 married women. By 1979 it was twenty-three. Since 1979 the rate has been stable or declining and is now probably about eighteen or nineteen—a decline, but still about double the1960 rate."[14] About half of all of these divorces occur after the seventh year of marriage, when children have been born, and when martial property has accumulated.[15] The economic and psychological effect of divorce can have a great impact on children—these effects are even greater when the divorce is a result of domestic violence.

When a divorce results because a battered woman has decided to leave a violent home and relationship, she faces a great number of difficulties and challenges. The women must find a way to support themselves and their children without having to depend on the batterer. This can be difficult because batterers often use money and support as a form of control. In cases, where children are involved, a key concern is about the welfare of the child. This is where child support and the enforcement of family law courts play a vital role. The economic well being of the

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[13] *See* American Psychological Association , *Violence and the Family Report of the American Psychological Association Presidential Task Force on Violence and the Family* (1996) (stating that nearly 1 in every 3 adult women experience at least one physical assault by a partner during adulthood). *See also* Linda E. Saltzman, et al., *Weapon Involvement and Injury Outcome in Family and Intimate Assaults*, 267 JOURNAL OF AM. MEDICAL ASS'N 3043 (1992) (stating that in 1994, approximately 37% of women seeking injury related treatment in hospital emergency rooms were there because of injuries inflicted by a former or current spouse or intimate partner).

[14] Ira Mark Ellman, *The maturing Law of Divorce Finances: Towards Rules and Guidelines*, 33 FAM. L.Q. 801 (1999).

[15] Id. at 802.

custodial parent, usually the mother, diverges greatly from that of the non-custodial parent, the father, with mothers having significantly fewer financial resources than men.[16]

If battered immigrants are unable to access the court system because of a lack of a social security number, then they will face great economic barriers that will hinder their efforts to leave an abusive home. This effect would be the opposite of the overall intended effect of § 466(a)(13) to track and enforce child support orders because it would prevent a significant number of women from attaining the legal child support payment to which their children are entitled. If battered immigrant women were unable to gain access to the court system to receive a divorce decree and a child support order, they would simply have to acquire the courage to leave an abusive relationship on their own. These battered immigrant women might have to choose between the following options: try to survive on the streets with their children, trading the dangers of the home for the dangers of the streets and homelessness; remain with the abuser as the only means of economic survival, exposing their children to the ongoing harm of living in a violent home; or turning to the state for help to support their children—again going against the original intended effect of §466(a)(13) which was to improve access to child support as a means to reduce welfare dependency. Closing the courthouse to needy battered immigrants allows batterers to maintain economic control over the people they abuse and achieve what they could not have legitimately and legally achieved in court.

As the number of immigrants increases in the United States, statistically, so does the possibility that a great number of these immigrants will be affected by a violent relationship. **"**According to the census 85 percent of immigrant families with children are mixed legal status families—i.e.

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[16] *See* Martha Fineman, *Implementing Equality: Ideology, Contradiction, and Social Change,* WIS. L. REV. 789 (1983); s*ee also* Herman H. Kay, *Equality and Difference: A Perspective on No-Fault Divorce and Its Aftermath,* 56 CINCINNATI L. REV. 1-90 (1987); *see also* Jane Rutherford, *Duty in Divorce: Shared Income as a Path to Equality*, 58 FORDHAM L. REV. 539 (1990).

families where at least one parent is a non-citizen and one child is a citizen."[17] Interpreting the provisions of §466(a)(13) narrowly has the potential to cut off a significant number of US citizen children and their non-citizen parents from access to child support and cuts off parents who are battered immigrants from the court assistance they need to leave an abusive spouse. Further, the ability to go to court to obtain legal custody of children is key to ensuring that child custody determinations are made taking into account the best interests of the children. Most states have some sort of family law requiring that domestic violence be a factor in all custody decisions. Some states have adopted a presumption against awarding custody to abusers. If court access is closed to battered immigrant women then abusers will be able to achieve what they could not have won in court—custody of their children. Abusers will be able to take custody and keep children from their mothers through threats, intimidation, and calculated misinformation. Abusers of immigrant women routinely convince them that if they leave, then it will be the abuser who will retain custody of the children because of his superior immigration status. With no access to the courts, the word of the abuser is given the effect of law. §466(a)(13) could force a large number of the immigrant population of women and children to chose between living a life of abuse or the possibility of permanent separation from their children. The threat of separation from children is used by abusers of immigrant women as a successful method of maintaining control and power over their victims.[18]

The current application of §466(a)(13) is also at odds with other federal laws that offer viable legal remedies to battered immigrant women. The Violence Against Women Act 2000 ("VAWA 2000") expands protection for battered immigrants by instituting safeguards for protection of certain crime victims including crimes against women.[19] The Establishment of

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[17] Nationwide, 1 in 10 US children lives in a mixed status family and 75 percent of all children in immigrant families (those headed by noncitizens) are citizens. Fix, Michael. *The Integration of Immigrant Families*. STRENGTHENING IMMIGRANT FAMILIES AND AMERICAN COMMUNITIES: STRATEGIES FOR THE NEW CENTURY at 16 (June 8-10, 2000)

[18] *See* Volpp, Leti. *Working with Battered Immigrant Women: A Handbook to Make Services Accessible*. FAMILY VIOLENCE PREVENTION FUND (1995)

[19] Violence Against Women Act 2000, HR 3244, Protection for Certain Crime Victims Including Victims of Crimes Against Women, Section 1513.

Humanitarian/Material Witness Non-Immigrant Visa adds a new INA section 101(a)(15)(U) which creates a non-immigrant visa for a limited group of immigrant crime victims who have suffered substantial physical or emotional injury as a result of being subjected to specific crimes committed against them in the United States, including the crime of domestic violence.[20] With this new law, which took effect October 28, 2000, many immigrant domestic violence victims, including many battered immigrant women who have children with their abusers regardless of whether they are married to their abusers, can receive legal immigration status. If these battered immigrant women are denied their day in court to legally sever the relationship they have with their abusers and no way to legally obtain custody and child support because of their lack of a social security number, then §466(a)(13) acts not only to deny them any viable legal remedies, but also stands at odds with other federal laws that recognize the sometimes unique problems of battered immigrant women. §466(a)(13) must not be implemented in ways that deny immigrant women and battered immigrant women any meaningful access to state family law court systems.

IV. Proposed Solutions

The HHS memorandum makes it clear that a SSN is not to be a necessary pre-condition to accessing the courts for divorce, child support, and paternity determinations. States and local governments implementing § 466(a)(13) must not interpret this section to apply to court matters that are not expressly listed in the statute. The only court cases in which local courts could possibly require SSNs would be limited to divorce, child support, and paternity matters. HHS' suggestion of sworn affidavits is advisory and not binding. Jurisdictions should be encouraged to develop less problematic approaches to this problem.

Advocates and attorneys working with immigrant populations should work with their local court systems to develop approaches to implementing § 466(a)(13) that will not have the effect of cutting off battered immigrant women and children from protection orders, divorce, custody, and

[20] Violence Against Women Act 2000, HR 3244, Section 1513(a)(2)(A).

child support. What follows are two alternate solutions. Implementing both approaches will provide battered immigrants reasonable access to the protections offered by our justice system for both battered immigrants and their children.

A) Do Not Require Social Security Numbers

Since HHS has taken the stance that social security numbers are not mandatory under §466(a)(13), it should support efforts of local courts to implement this interpretation. Courts should issue divorce decrees and child support orders despite the lack of a social security number to persons who do not have social security numbers without requiring that the divorce or child support applicant swear in an affidavit under penalty of perjury about their lack of a social security number. Persons without social security numbers should be allowed to write in "N/A" for "not applicable" on court forms. Court forms should also make it clear that social security numbers must be provided only by persons who have them. Wording, such as the following could be used: "persons with social security numbers must provide that number in box 'A.'" Courts could develop rules under which judges, attorneys, and court officers may ask questions in open court of a party ordered to pay child support who has failed to provide a social security number about whether they have one.

This approach has two benefits. First, only the person who is ordered to pay child support or subject to a paternity action will be questioned by the court about their social security number. The requirement of providing a social security number only for the party paying child support furthers the intended enforcement goals of §466(a)(13). Second, since many immigrants come from countries where they greatly respect or in many cases greatly feared governmental authority, it is more likely that immigrant child support payors who have social security numbers but have not included them on court forms will provide the information when directly questioned by a judge in open court during a proceeding in which child support is being ordered. These approaches would

further the intended effect of §466(a)(13). Greater numbers of immigrant women with U.S. citizen children would be willing to come to court to seek child support from their children's fathers. Additionally, the likelihood of obtaining social security numbers from child support payors would be increased.

B) Non-work Social Security Numbers

An additional, alternate approach that immigrants could be encouraged to use so that they need not inform the court that they do not have a social security number would be for the Social Security Administration to provide any person who will be filing for divorce, child support or paternity with a non-work social security number ("non-work SSN"). This option should be available to immigrants who prefer to go through the process of obtaining a non-work SSN to writing "N/A" on court forms.

Non-work social security numbers are issued to immigrants who are not eligible to work in the United States only if there is a federal statute or regulation that requires an immigrant to furnish a social security number to receive a federally funded benefit or service or if the state government requires a social security number to administer statutes governing the issuing of a driver's licenses and the registering of motor vehicles.[21]

Since non-work SSNs can be issued when required by state governments to administer certain state statutes, such as driver's licenses, non-work social security numbers should be extended to cover divorce decrees and child support orders as well any time a local jurisdiction requests that SSN information be provided by parties in divorce, child support, or paternity actions. This would increase the state's effective enforcement of child support orders because everyone who applied for a divorce decree, child support, or paternity order would be able to provide a social security number without regard to whether it was issued for work or for non-work reasons. This would not

[21] 20 C.F.R. § 442.107

only remove the barrier that currently exists under §466(a)(13) for undocumented battered immigrant women to the legal system, but also makes it more difficult for abusers to use the fact that they do not have a social security number to avoid child support enforcement. With these changes, battered immigrant women will still face challenges in leaving abusive relationships, but for those who muster the courage to access the court system §466(a)(13) will not serve as a barrier because they can be issued a non-work social security number.

For advocates, it is important to learn the steps necessary to obtain a non-work social security number for their clients. If non-work social security numbers are the only viable alternative and solution to §466(a)(13) for those who do not have social security numbers and need to get a divorce, child support order, or paternity determination, then it is crucial for advocates to learn the process and requirements that the Social Security Administration uses in issuing these non-work social security numbers in order to effectively and zealously represent their clients.

Conclusion

Advocates and attorneys working with battered immigrants must also work closely with their state domestic violence coalition and local domestic violence coordinating councils to educate court personnel and judges about the dangers for battered immigrants associated with implementing §466(a)(13) in a manner that closes the courthouse doors to battered immigrant women and their children. Advocates must ensure that procedures such as those discussed in this memo are implemented and that judges and court personnel receive training on the legal rights of battered immigrants. Finally, when courts attempt to expand social security number requirements to other court actions, such as civil protection order cases or if they choose to treat SSNs as a prerequisite contrary to the HHS memo, attorneys and advocates must meet with court officials and others to intervene to stop these practices.

If courts are encouraged to continue to issue divorce decrees and child support orders regardless of immigration status, it would break down the bar that currently exists for undocumented battered immigrant women seeking legal remedies and protection from abusive relationships. The creative approaches to implementing §466(a)(13) discussed above are both consistent with HHS directives and reflect and understanding of the societal benefits of ensuring family courts remain open to all without regard to immigration status. Growing numbers of families in the United States include persons of differing immigration statuses. The percentage of families with persons of mixed immigration status is expected to grow over the next few years.[22] We must not create a system that cuts persons in these families off from our family courts. If we do so, the result will be greater numbers of immigrant women and children living in poverty without any meaningful access to child support. They would become an underclass, the creation of which §466(a)(13) was intended to prevent.

[22] *See* . Fix, Michael. *The Integration of Immigrant Families*. STRENGTHENING IMMIGRANT FAMILIES AND AMERICAN COMMUNITIES: STRATEGIES FOR THE NEW CENTURY at 16 (June 8-10, 2000)