

Tips and Guidance for Helping Unaccompanied Immigrant Youth Access Publicly Funded Benefits and Services

ABA Children's Immigration Law Academy
April 18, 2023

WEBINAR



NIWAP

National Immigrant Women's Advocacy Project
American University Washington College of Law

Introduction



Leslye Orloff

Director

National Immigrant
Women's Advocacy Project,
American University
Washington College of Law



Rafaela Rodrigues

Immigrant Women Law and
Policy Fellow
National Immigrant Women's
Advocacy Project (NIWAP)

Learning Objectives

By the end of this webinar you will be better able to:

- Understand how filing for victim-related immigration benefits enhances access to public benefits safety net services
- Know which publicly funded benefits and services are open to unaccompanied children and other immigrant survivors regardless of their immigration status
- Navigate NIWAP's online benefits map and state-by-state charts to look up state and/or federally-funded benefits and services unaccompanied children and other immigrant crime victims qualify

Poll 1: Let's see who is on the webinar with us

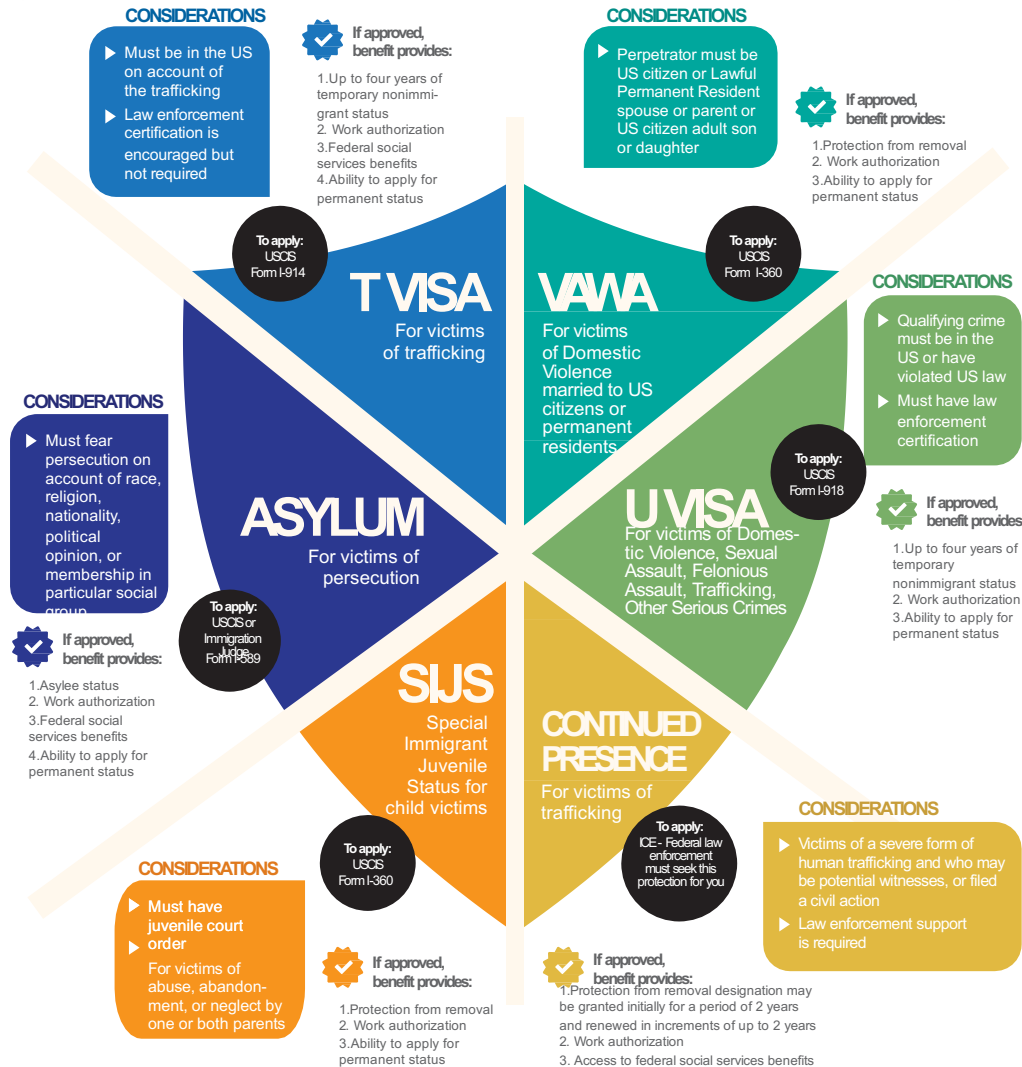
Please check the box that best describes you:

- A. Attorney
- B. Paralegal
- C. Social worker/Social services provider
- D. Child or victim advocate
- E. Other – type in the chat



Many Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault and Other Crimes Are Eligible for Immigration Relief

PROTECTIONS FOR IMMIGRANT VICTIMS



DHS.GOV/BLUE-CAMPAIGN

Immigration Relief Available for Immigrant Victims of ---

- Domestic violence
 - Child abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
- Slave trade
- Being held hostage
- Fraud Foreign Labor Contracting
- Peonage
- False Imprisonment
- Blackmail
- Extortion
- Witness tampering
- Obstruction of justice
- Perjury
- Stalking
- **Parent perpetrated**
 - **Child abuse**
 - **Child neglect**
 - **Child abandonment**

Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity

Benefits for Survivors

- Protection from deportation
- Access to legal immigration status
- Ability get immigration relief for children
- Financial independence from perpetrator
 - Legal work authorization (6 months to 5 years from filing)
 - Issuance of federally recognized driver's licenses and IDs
 - Increased access to federal and state public benefits
- VAWA confidentiality

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - spouse;
 - parent; or
 - Citizen adult son/daughter (over 21)
- With Whom Self-Petitioner Resided
 - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements

Battered Spouse Waivers

- For domestic violence survivors, provides for waiver of the “condition” placed on the status of immigrant spouses of marriages less than two years old
- Waives both the joint filing requirement and two year wait for full lawful permanent resident status
- Requires proof that
 - Marriage to U.S. citizen or permanent resident entered into in good faith *and*
 - Spouse or child was battered or subjected to extreme cruelty
 - Child can include step-child

Immigration and Nationality Act § 216(c)(4)

Immigration Law Definition of Domestic Violence (Battering or Extreme Cruelty)

Battering

- Physical violence against
 - Spouse/intimate partner
 - Child
- Use of a weapon
- Sexual abuse & assault
- Stalking
- Other acts defined as domestic violence under state law
- Attempts or threats to do any of these actions

Coercive Control = Extreme Cruelty:

- Strategies designed to retain control or establish domination through fear, dependence, deprivation, isolation, immigration related abuse
- Deprivation of basic necessities
- Controlling regulating, monitoring the victim
- Compelling through force, intimidation threats to abstain or engage in conduct against victim's will

Extreme Cruelty:

- Withholding medicine or medical care
- Adultery with a minor
- Financial abuse, seeking to destroy victim's credit
- Accusations of infidelity
- Using children as a tool
- Emotional abuse causing physical or psychological harm

Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, neglect, or dependency
 - By at least **one parent**
- To apply must submit required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
 - Detection, investigation, prosecution, conviction or sentencing
- 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

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
 - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
 - Victim is physically present in the U.S. on account of trafficking
 - Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking.
- Exceptions
- Under age 18
 - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship

What are Severe Forms of Human Trafficking?

- **Sex Trafficking:** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- **Labor:** The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

(Federal Law—"Victims of Trafficking and Violence Prevention Act of 2000 can be found at www.ojp.usdoj.gov/vawo/laws/vawo2000/)

Familial Trafficking

- Over 62.7% of sex trafficked children their trafficker is a family member
 - Parent, grandparent, aunt, uncle, cousin, sibling
 - With 45.8% parent or guardian
- Up to 34% of sex trafficked children are trafficked by an intimate partner
- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. *Child Abuse & Neglect* (2014), <http://dx.doi.org/10.1016/j.chiabu.2014.07.015>

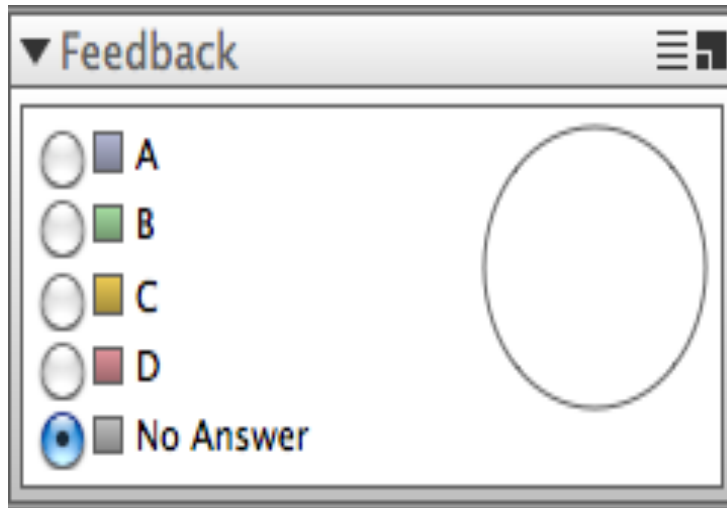
Time to Legal Work Authorization and Formal Protection Against Deportation

- Battered spouse waiver
(Continues) Abused spouses of US citizens with 2-year conditional permanent residency
- VAWA self-petition (4-33 months)
Abused spouses/children of US citizens and lawful permanent residents
Abused parents of US citizens over 21 years of age
- VAWA cancellation of removal
(1 year)
Abused spouses/children of US citizen and lawful permanent residents protection from deportation
- Special Immigrant Juvenile (SIJS)
(6 months) Children abused, abandoned or neglected by one or both parents
- U visa (4-5 years)
Has been, is being, is likely to be helpful
Substantial harm from criminal activity
- T visa-Continued Presence
(17 months)
Victims of severe forms of human trafficking
- Work Authorization -Abused Spouses of Work Visa Holders (9 months)
A, Eiii, G and H visas

Clara and Eduardo Case Scenario

Clara met Eduardo a lawful permanent resident when he came back to his hometown to visit his family in El Salvador. Eduardo started dating Clara who was raising her 9 year old son Miguel. After Clara became pregnant and gave birth to a baby girl Lupe, Eduardo decided to bring Clara, Miguel and Lupe to the U.S. to live with him. When they arrived in the U.S. Eduardo took Clara, Miguel and Lupe's passports and became physically and sexually abusive of Clara and abusive of Miguel who tried to protect his mother from Eduardo's abuse. Eduardo also physically beat Lupe when he said she "misbehaved". Within a year following their arrival in the U.S. Eduardo forced both Clara and Miguel to work for his family's business and never paid them for their labor. One night when Miguel was 13 and Lupe was 5, Eduardo's rage led to severe beatings with a belt of Miguel and of Lupe. When Clara intervened to protect the children, Eduardo strangled her until she passed out. The neighbors call the police for help, Clara talked to police when they arrived. The police arrested Eduardo for attempted murder and child abuse, took Clara to the hospital and placed the children in the care of the state.

Poll 2: What forms of immigration relief would Clara qualify for:



▼ Feedback

☐ A

☐ B

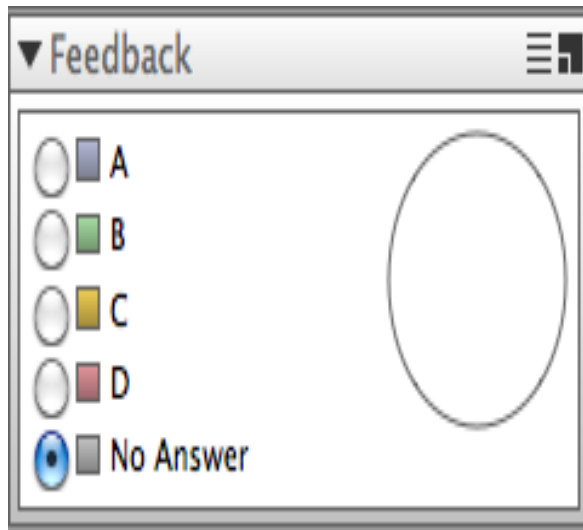
☐ C

☐ D

☒ No Answer

- A. U visa
- B. VAWA self-petition
as the parent of
Lupe
- C. T visa
- D. All of the above

Poll 3: What forms of immigration relief would Lupe not qualify for:



▼ Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer

- A. VAWA self-petition
- B. U visa
- C. T visa
- D. SIJS

Poll 4: What forms of immigration relief would Miguel qualify for (Check all that apply) :

▼ Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer

- A. VAWA self-petition
- B. U visa
- C. T visa
- D. SIJS

Benefits of OTIP Letters for Miguel and Lupe

- The Office of Trafficking in Persons (OTIP) at HHS issues
 - Certification Letters to foreign national adults and
 - Eligibility Letters to foreign national children
- OTIP Letters provide access to public benefits, as refugees, for life.
- Must be accepted by Federal and State agencies.

With Deferred Action and Work Authorization Trust Improves

- Increased justice system involvement
 - 114% increase in willingness to trust the police
 - 36% make police reports regarding future crimes
 - 22% help other victims report abuse and seek help/justice
- Significant reductions in abusers using the victim's immigration status as a tool to perpetuate abuse
 - 74% decline in immigration related abuse
 - 78% decline in threats to snatch/cut off access to children
 - 65% decline in efforts to use immigration status of the victim to gain advantage in family court

Orloff, Magwood, Campos-Mendez, & Hass, Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Victims and their Children After Work-Authorization and Legal Immigration Status (June 2021)

2013 and 2017 Research Found Increased Justice System Participation

- VAWA Self-Petitioners
 - 62% participate in criminal investigations and prosecutions
 - 63% seek civil protection orders
 - 60% turn to the courts for child custody orders
- U Visa Victims
 - 70% participate in active criminal prosecutions and investigations
 - 29% willing to cooperate if their criminal cases went forward
 - 67% seek protection orders
 - 64% seek custody orders

Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rodrigues et al. Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey (May 3, 2018); Leslye Orloff, et. al., *U Visa Victims and Lawful Permanent Residency* 5 (September 6, 2012)

Benefits Impact of Immigration Relief Options for Clara, Lupe and Miguel - Examples

- TANF: T visa and VAWA self- petitioners eligible
 - SIJS (8 years); U (26 years)
- SNAP: T eligible – Clara and children
 - Children: VAWA prima facie (3 mo), SIJS (1-3 years);
 - Clara: VAWA (5yr); U visa (26 yr)
- Housing: T visa, VAWA self-petition eligible
 - SIJS (1-3yr), U visa (21/yr)
- Education (FAFSA): T visa
 - VAWA (3 mo); SIJS (1-3 yr), U visa (21 years)

When during the immigration case process is it possible for your client to obtain a driver's license or State issued ID in your State?



Access to Publicly Funded Programs and Legal Services Open to all Immigrant Survivors

Access for All

Both documented and undocumented immigrant survivors can access:

- Legal Services
- Family Court (Divorce)
- Language Access
- Police Assistance
- Protection Orders
- Child Custody & Support
- Have Their Abusers
Criminally Prosecuted
- Public Benefits for Their
Children
- Assistance for Crime Victims
- Shelter
- Transitional Housing
- GED
- WIC/school lunch & breakfast
- Primary/Secondary education
- Immunizations
- Emergency medical care
- Care from community &
migrant health clinics
- VOCA

Attorney General's List of Required Services



- In-kind services
- Provided at the community level
- Not based on the individual's income or resources
- Necessary to protect life and safety

Federal Benefits Available to ALL Immigrants



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

In-Kind Services Necessary to Protect Life and Safety Open to All Immigrants

- Child and adult protection services
- Crisis counseling and intervention
- Violence and abuse prevention
- Victim assistance
- Treatment of mental illness or substance abuse
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Shelter & transitional housing assistance
- Nutrition programs for those requiring special assistance



Representation Under VAWA Anti-Abuse Laws and Regulations

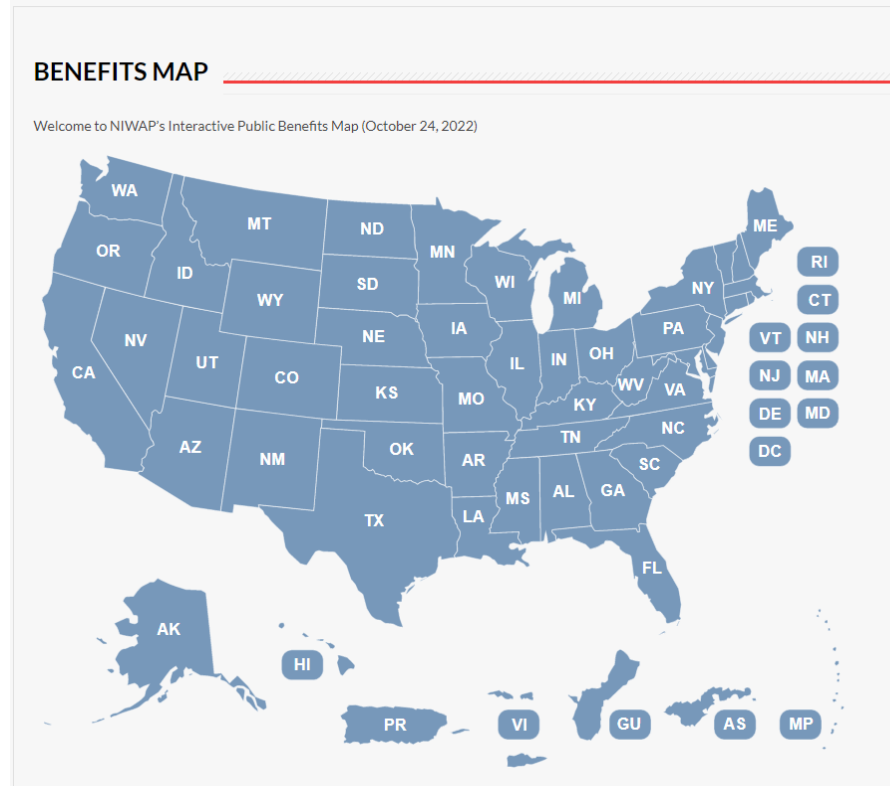
- Legal Services Corporation funded programs can represent the following immigrant survivors **without regard to the survivor's immigration status**
 - Domestic violence
 - Child abuse
 - Elder abuse
 - Sexual Assault
 - Human trafficking
 - Any other U visa listed criminal activity
- Representation is available whether or not the survivor has filed for or plans to file for victim related immigration relief
- In SIJS family court cases representation is available based on the child's eligibility

When children qualify and their parents/guardians 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

Interactive Public Benefits Map

<input type="checkbox"/> Hide fields <input type="checkbox"/> Filter <input type="checkbox"/> Group <input type="checkbox"/> Sort <input type="checkbox"/> ...				
<input type="checkbox"/>	Ben...	STATE & TERRITORY	Benefit Name	VAWA Self-Petitioner
1	309	Florida Public Benefits	Child Care - TANF Funded	Eligible for TANF funded child care if receiving TANF.
2	308	Florida Public Benefits	Child Care: Child Care Development Fund (CCDF)	Eligible for CCDF
3	310	Florida Public Benefits	Children's Health Insurance Program (CHIP)	Eligible up to age 19 upon prima facie determination. ...
4	311	Florida Public Benefits	Earned Income Tax Credits (EITC)	Eligible with conditions upon receipt of work ...
5	313	Florida Public Benefits	Emergency Medicaid	Eligible.
6	315	Florida Public Benefits	Family Medical Leave Act - State Law	No state law, federal law applies.
7	316	Florida Public Benefits	Federal Education Student Aid, Grants, and Loans	Eligible upon prima facie determination.
30 records um 13017				
Download				



<https://niwaplibrary.wcl.american.edu/benefits-map>

A GUIDE TO THE PUBLIC BENEFITS MAP



HOW TO DETERMINE
PUBLIC BENEFITS
ELIGIBILITY BY STATE AND
IMMIGRATION STATUS
FOR IMMIGRANT CRIME
VICTIMS AND
TRAFFICKING SURVIVORS

STEP ONE

TO START, BEGIN BY
ACCESSING THE NIWAP
WEBPAGE AT:
[HTTPS://NIWAPLIBRARY.
WCL.AMERICAN.EDU/
BENEFITS-MAP](https://niwaplibrary.wcl.american.edu/benefits-map)



STEP TWO

SEARCH BY...



SELECT THE STATE
FOR WHICH WOULD
LIKE TO SEE
ELIGIBILITY
INFORMATION.

STEP THREE

RESOURCES

NOTE THAT EACH STATE
PAGE HAS THREE STATE-
SPECIFIC RESOURCE LINKS
FOR USE WITH THE MAP
BELOW [FURTHER
DETAILED INFORMATION]



SCREENING CHART

QUICK DESKTOP
REFERENCE

FULL PUBLIC
BENEFITS CHART

FULL CITATIONS FOR
ALL LISTED BENEFITS

DEMOGRAPHICS

FOREIGN-BORN
POPULATION IN EACH
STATE (2019)

STEP FOUR LOCATING BY.....

SCROLLING TO THE BOTTOM
OF EACH STATE PAGE WILL
ALLOW YOU TO ACCESS A
COMPREHENSIVE LIVE DATA
STATE TABLE WITH
ELIGIBILITY BY TYPE OF
BENEFIT AND BY
IMMIGRATION STATUS OR
APPLICATION TYPE.



STEP FIVE

NAVIGATING

*CUSTOMIZING THE TABLE FOR
YOUR NEEDS [RELEVANT TABS
EXPLAINED]*

WHY DOES THIS MATTER?

Effective navigation can help you use the table more efficiently. For example, if you know your client's state and immigration status, you can **hide all columns except state, benefit name, and immigration status** to see all the benefits your client qualifies for at a glance.

HIDE: Only display columns needed

FILTER: Select for specific results for each column

SORT: Organize by alphabetical/numerical order for specific columns

Adjusting row height for full text view

	Be...	STATE...	Benefit Name	VAWA Self-Petitioner	Battered Spouse Waiver	Refugee	Asylee
1	138	California F	Child Care - Child Care Develo...	Eligible for CCDF	Eligible for CCDF	Eligible for CCDF	Eligible for c
2	139	California F	Child Care - TANF Funded	Eligible for TANF funded c...	Eligible for TANF funded c...	Eligible	Eligible.
3	140	California F	Children's Health Insurance Pr...	In CA, all children eligible ...	In CA, all children eligible ...	In CA, all children eligible ...	In CA, all ch
4	141	California F	Earned Income Tax Credits (EIT...	Eligible with conditions up...	Eligible with conditions up...	Eligible with conditions up...	Eligible with
5	143	California F	Emergency Medicaid	Eligible.	Eligible.	Eligible.	Eligible.
6	145	California F	Family Medical Leave Act - Sta...	May be eligible for CA Fam...	May be eligible for CA Fam...	May be eligible for CA Fam...	May be elig
7	146	California F	Federal Education Student Aid...	Eligible upon prima facie d...	Eligible as Battered Spous...	Eligible.	Eligible.
8	147	California F	Federal Emergency Manageme...	Eligible for disaster relief.	Eligible for disaster relief.	Eligible for disaster relief.	Eligible for c
9	170	California F	Federally Recognized Driver's ...	Eligible for federally recog...	Eligible for federally recog...	Eligible for federally recog...	Eligible for f
10	149	California F	FEMA-Restricted Programs	Eligible upon prima facie d...	Eligible as Battered Spous...	Eligible for food, unemploy...	Eligible for f
11	150	California F	Health Insurance Exchanges - ...	Eligible with prima facie de...	Eligible as Battered Spous...	Eligible.	Eligible.
	153	California F	Income Tax Credits	Immigrants with social sec...	Immigrants with social sec...	Immigrants with social sec...	Immigrants

30 rows | Expand record (space)

Airtable | Download CSV | View larger version

Hover mouse next to a row number to expand its details. Click on the blue arrows to view complete information in a pop up box.

Download table into CSV file then use "save as" to convert to Excel format

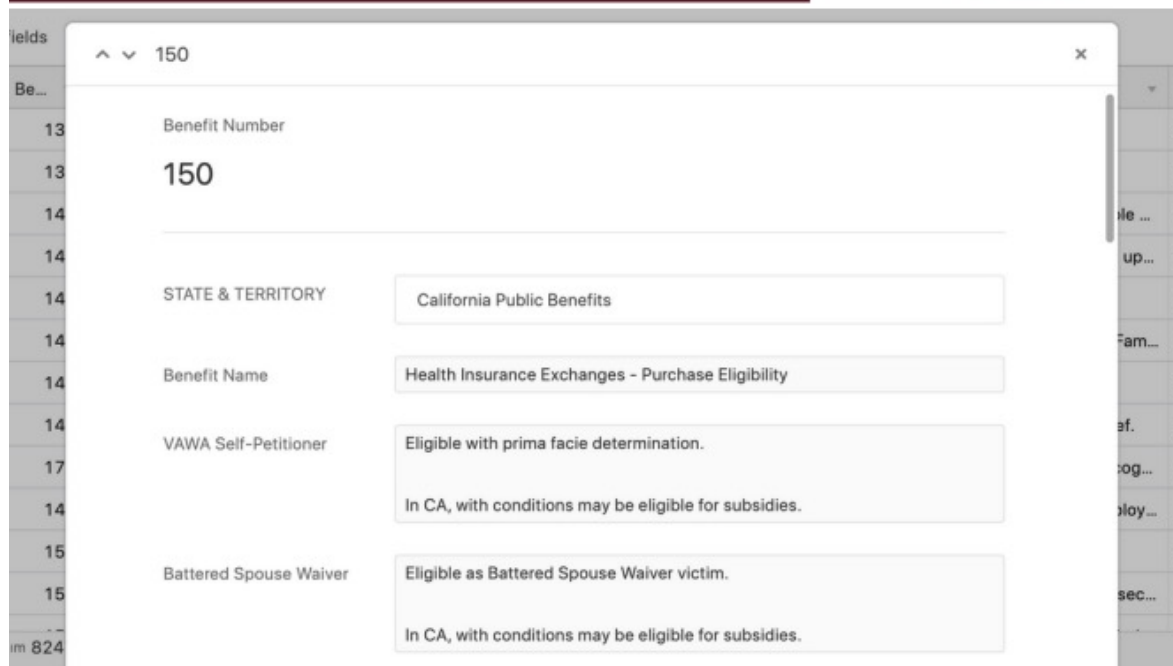
A better way to view the full state table.

STEP SIX

BENEFITS

Expanding an individual row allows you to see detailed eligibility status information for each benefit category (example below):

"Eligible with conditions" means the immigrant may be eligible, but is subject to additional requirements before being able to access the benefit.



fields ^ v 150 x

Be...

13 Benefit Number

13 150

14

14 STATE & TERRITORY California Public Benefits

14 Benefit Name Health Insurance Exchanges - Purchase Eligibility

14 VAWA Self-Petitioner Eligible with prima facie determination.

17 In CA, with conditions may be eligible for subsidies.

14

15 Battered Spouse Waiver Eligible as Battered Spouse Waiver victim.

15 In CA, with conditions may be eligible for subsidies.

im 824

USING THE STATE BENEFITS MAP TABLE INFORMATION, YOU CAN LOOK UP ALL OF THE DETAILS REGARDING ELIGIBILITY WITH THE SOURCES OF LAW CITED IN FOOTNOTES IN YOUR STATE'S FULL BENEFITS CHART LINKED ON THE INTRO PAGE FOR THE STATE.

IF YOU WOULD FURTHER INFORMATION, CALL NIWAP FOR TECHNICAL ASSISTANCE AT (202) 274-4457 OR EMAIL INFO@NIWAP.ORG



NEXT STEPS

Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License, IDs, & Professional Licenses
- Earned Income Tax Credit
- Emergency & Transitional Housing & Safety Programs
- Emergency Medicaid
- Family Medical Leave
- Federal Education Benefits
- FEMA Assistance & Restricted Programs
- Food Stamps
- Health Insurance Exchanges
- Income Tax Credits
- Legal Services
- Medicaid
- Prenatal Care
- State Education Benefits
- Supplemental Security Income
- VOCA
- Weatherization & Energy Assistance
- WIC
- Unemployment Insurance

Benefits Map Demonstration

<https://niwaplibrary.wcl.american.edu/benefits-map>

Importance of Accompanying Immigrants in Applying for Public Benefits

- Help educate state benefits workers
- Accompanying immigrant applicants helps
 - Children and survivor get what they are legally entitled to access
 - Varies by state, immigration status, benefits program
 - Helps undocumented parents/guardians file for benefits for their eligible citizen and immigrant children
 - State welfare worker reporting requirements

True or False?

Receiving public benefits can harm an immigrant victim's ability to obtain legal immigration status.



True



False

True or False?

Immigrants applying for benefits for their children can refuse to provide immigration or social security information about themselves.



True

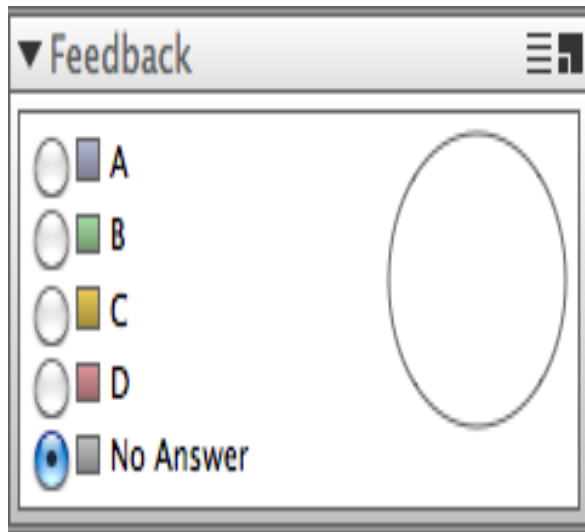


False

Importance of Accompaniment

- Federal Reporting Requirements
- Widespread Problems Nationally
 - Turned away at the door
 - No language access
 - Denied benefits for citizen children
 - VAWA eligible denied benefits
 - state benefits
- Need witnesses and documentation of treatment by benefits workers

Poll 5: What would you take with you to a public benefits agency with an immigrant survivor?



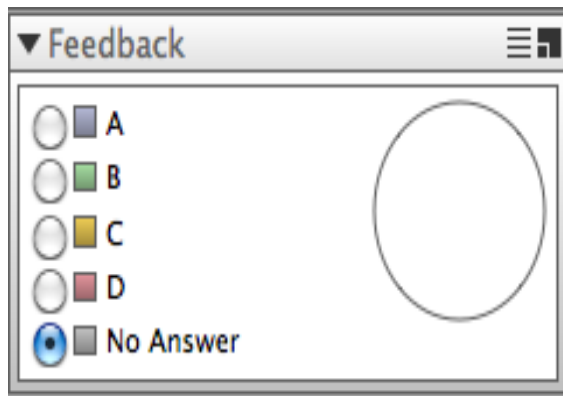
- A. Copy of the state/federal benefits statute
- B. DHS documents showing how victim is eligible
- C. Relevant state/federal policies
- D. All of the above

What to Bring with you to Advocate

- The Law indicating the benefit (you can find it on NIWAP's Public Benefit Map)
- Check also <https://www.benefits.gov/>
- Any other document you may see fit



Poll 6: Where other than the State Benefits agency have you had to advocate with to ensure access to benefits for your client?



▼ Feedback

☐ A

☐ B

☐ C

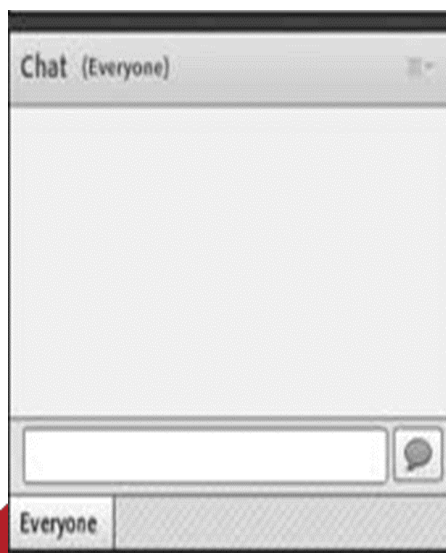
☐ D

☒ No Answer

- A. Transitional Housing office
- B. Legal Service
- C. Healthcare Program
- D. Other Social Service programs
- E. Universities or College
- F. Dept. of Motor Vehicles (DMV)
- G. None of the Above

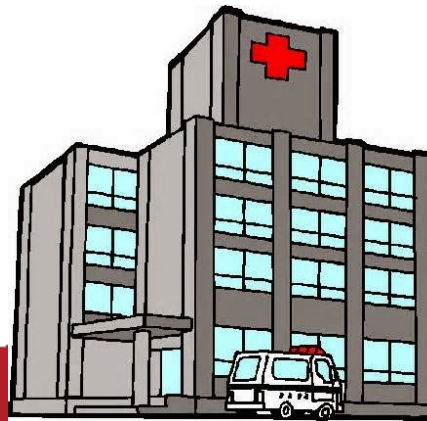
Access to Health Care

Where can immigrant survivors receive health care that is subsidized without regard to immigration status?



Emergency Medicaid

- Available only in cases where the person needs treatment for medical conditions with acute symptoms that could:
 - place the patient's health in serious jeopardy;
 - result in serious impairment of bodily functions; or
 - cause dysfunction of any bodily organ or part
 - Includes COVID-19 testing and treatment



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



How to find free health clinics in your area



Step 1: In IE, go to www.hrsa.gov

Step 2: Select “Get Health Care”

Step 3: Select “Find a Health Center”

Step 4: Search by location

OR

Step 3: Select “Find out more about Hill-Burton...”

Step 4: Select “Hill-Burton Obligated Facilities”



Federally Qualified Health Centers

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

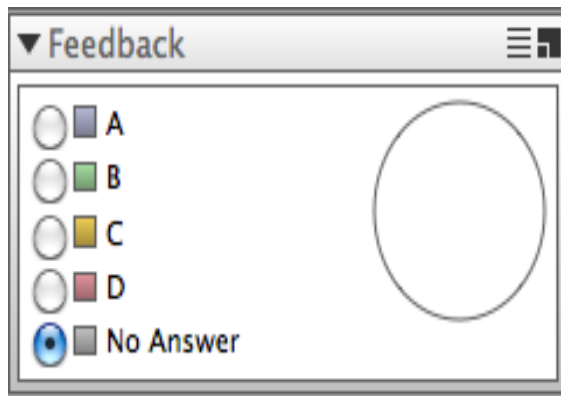
Eligibility for Healthcare

- Community and Migrant Health Centers regardless of immigration status
- The Families First Act provides additional funding to pay for coronavirus testing for anyone who is uninsured
- Eligibility for Emergency Medicaid includes payment for COVID -19 treatment without regard to immigration status

Access to Shelter, Transitional Housing and Permanent Housing



Poll 7: Do you work with unaccompanied minors who need Emergency Shelter and Transitional housing?



▼ Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer

A.Yes

B.No

HUD, DOJ and HHS Confirmed in August 2016

- Housing providers must not turn away immigrants based on their immigration status from:
 - Emergency shelter
 - Transitional housing
 - Rapid re-housing

Open to All persons Without Regard to:

- Immigration status
- Citizenship
- Nationality
- English language abilities

NIWAP Research: Immigrant Victim Transitional Housing Acceptance Rates

Type of Crime	% Accepted	# Accepted	% Denied	# Denied
Domestic Violence	47.1%	1759	52.9%	1979
Sexual Assault	5.8%	29	94.2%	466
Human Trafficking	78.5%	146	21.5%	40
Abused/Abandoned /Run Away Children	80.8%	51	19.2%	12

NIWAP Research: Reasons Immigrant Victims Turned Away From Transitional Housing

Primary Reasons Immigrant Domestic and Sexual Violence Victims Were Turned Away from Transitional Housing		
	Domestic Violence	Sexual Assault
Immigrant victim lacked the required documentation of immigration status	34.4%	99.4%
When documentation was required the program sought evidence of one of the following:		
Documentation related immigration status	84.1%	99.4%
Documentation of current employment or ability to work	56.0%	98.9%
An employment authorization document as proof of legal work authorization	52.9%	98.9%
Did not have a driver's license*	45.0%	98.8%
Program required documentation that the victim did not have	33.2%	87.0%
Immigrant applicant was undocumented	25.6%	90.0%
Immigrant victim did not meet the formal income requirements	23.7%	85.8%
The battered immigrant applicant failed to present government issued I.D.	18.3%	86.1%
They were told that the evidence presented of being self-sufficient was insufficient	9.0%	85.7%
They were not a victim of domestic violence	n/a	85.6%
They did not speak English	2.9%	3.1%

Benefits Available to all Immigrants Include:

- Short-term shelter or housing assistance, victim services counseling, and intervention for:
 - Victims of:
 - Domestic violence
 - Sexual assault
 - Stalking
 - Dating violence
 - Human trafficking
 - Child abuse
 - Other abuse
 - Homeless
 - Runaway or homeless youth
 - Abandoned children

HUD Stated in 2001

- Both emergency shelter and transitional housing are:
 - Necessary to protect life and safety
- Transitional housing is by its nature:
 - Short-term
 - A bridge toward permanent housing

HUD/DOJ/HHS Letter

- HUD, DOJ, and HHS confirmed in a joint letter that federally funded housing providers must not turn away individuals based on their immigration status from programs, services, or assistance necessary to protect life or safety
- Examples of such programs and services:
 - Short-term shelter or housing assistance
 - Crisis counseling or intervention programs
 - Medical and public health services necessary to protect life or safety

Transitional Housing

- When transitional housing meets the in-kind, community level, and life and safety tests
 - Unit is owned or leased by the grantee and used to provide transitional housing
 - Must be open to all; No immigration restrictions
- Exception: Grantee paying rental assistance payments for participant *when regulations require income test*

Access to Benefits and Services Grows as Children and Victims Pursue Immigration Relief



Children and Crime Victims Qualified to Receive Public Benefits— Common Examples

- Qualified Immigrants benefits eligible
 - Lawful permanent residents
 - Includes U visas and SIJS
 - Refugees/Asylees
 - VAWA self-petitioners
 - Trafficking victim with
 - Continued presence or
 - Bona fide determination in T visa case
- Not generally benefits eligible some variation by state
 - Asylum applicants
 - DACA recipients
 - U visa applicants & recipients
 - Work/Student visa holders
 - Undocumented

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

Federal Benefits Immigrant Restrictions

- Only programs that as a matter of law have immigrant restrictions are those categorized as:
 - “federal public benefits,” “state public benefits” or
 - “federal means-tested public benefits”
- Not a federal or state benefits unless payment is made directly to:
 - An individual
 - A household
 - A family eligibility unit

Examples of “Federal Public Benefits”

- **US Agency Funded/Provided:**
 - Grants
 - Contracts
 - Loans
 - Professional or commercial licenses
 - Drivers licenses
- **Federally Funded Benefits for**
 - Retirement
 - Welfare
 - Health
 - Disability
 - Postsecondary education
 - Public or assisted housing
 - Food assistance or
 - Unemployment

Who are “Qualified Immigrants”?

- Lawful permanent residents
- Refugees and asylees
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Trafficking victims filing for or with T visas
- Persons granted conditional entry
- Persons paroled into U.S. one year or more
- Persons granted withholding of deportation or cancellation of removal
- VAWA: Persons who (or whose children) have been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent

Survivors of Human Trafficking

- To be eligible for benefits, survivors of trafficking:
 - Must be children with an OTIP letter; Or
 - Must receive certification from the Office of Refugee Resettlement (ORR) that they are eligible for benefits as victims of trafficking
 - Based on having received a bona fide determination in their T visa case or continued presence
- Benefits agencies must accept ORR certification letter in place of typical Immigration documentation
- Also eligible for refugee programs
- OTIP children are assigned case workers

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

- Public and assisted housing
- Supportive housing for the elderly or disabled
- Post-secondary educational grants & loans
- Access to most subsidized child care
- Receive payments for providing foster care
- FEMA individual family grants and disaster unemployment
- Job opportunities for low income individuals
- Adoption assistance
- Low income and residential energy assistance programs
- Disability benefits
- Assistance to developmentally disabled
- Social services block grant programs

Public Benefits Eligibility by States

The Five Year Bar

- Due to 1996 welfare reform, qualified immigrants, including battered immigrant women, that enter the United States after August 22, 1996 are ineligible for “federal means-tested public benefits” for the first five years of holding qualified status.
- Certain immigrants are not subject to the five year bar including:
 - Refugees,
 - Asylees
 - Amerasian immigrants
 - Cuban/Haitian entrants,
 - Immigrants granted withholding of deportation
 - Victims of severe forms of human trafficking

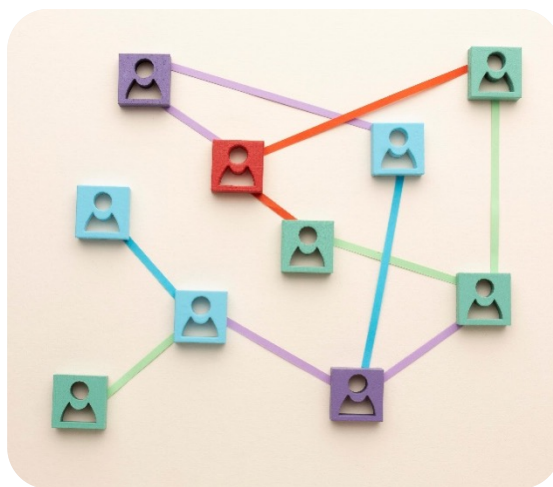
State Option

- States have the option to provide some state funded benefits to immigrants
 - During the 5 year bar
 - Who are abused
- Varies by state and type of benefit

Federal Means-Tested Public Programs Have Most Limited Immigrant Access:

- **TANF**
 - 5 yr. bar if entered the U.S. after August 22, 1996
- **SSI**
 - Lawful permanent residents only if 40 quarters or work credit + “qualified immigrant” status and 5 year bar if entered the U.S. after August 22, 1996
 - Refugee
 - Trafficking victim
 - Veteran and “qualified immigrant” spouses, children
- **Food Stamps**
 - “Qualified Immigrants” 5 year bar post August 22, 1996 and children
- **Medicaid and Child Health Insurance Program**
 - Health Care reform opened up access to immigrants who are “lawfully present”

How have you supported your clients during the five-year bar?



Immigrants and the Affordable Care Act

- Citizen or lawfully present children
 - May purchase child-only coverage on state insurance exchanges
 - May be eligible for Medicaid or CHIP
 - May be eligible for prenatal care

Health Care Subsidies – State Funded Benefits For Immigrants Including During the 5 Year Bar

- T – Visa Bona Fide, Continued Presence, Refugees, Asylees
 - All states
- All Qualified immigrants = 3 states (CA, MA, NY)
- Qualified Abused Immigrants = 2 states (IL, NM)
- Lawfully present children = 35 states (22 Vera Network states)
 - All immigrant children (CA, DC, OR, NY)
 - All immigrant children % FLP (IL, WA, MD (only Montgomery & Prince Georges counties))
- Lawfully present pregnant women full health care including prenatal care= 23 states (13 Vera Network states)
- PRUCOL immigrants = 4 states (CA, DC, MA, NY)
- Prenatal care to all immigrants = 18 states (13 Vera states)

TANF and TANF Child Care – State Funded Benefits During 5-Year Bar

- T – Visa Bona Fide or Continued Presence
= All states
- Qualified immigrants = 14 states (10 Vera states)
- Qualified abused immigrants = 6 states
 - NV, NJ, RI, TN, OR, IA
 - VAWA Self-Petitioners, SIJS and U visa lawful permanent residents
- Lawfully present
 - (SIJS applicants & U Visa bona fide)= 3 states MD, MN, WA
- PRUCOL-applicants – 4 states (CA, ME, PA, NY)

Child Care: Immigrant Restrictions Depend on Funding source CCDF vs. TANF

Child Care Development Fund

- Only the citizenship/immigration status of the child considered (child is the primary beneficiary of the child care benefit)
- Open to “qualified immigrants” and victims of trafficking and their children
- CCDF child care open to all without immigration restrictions if
 - Subject to public educational or Head Start standards, or
 - Eligibility determined by a non-profit organization
- CCDF parents have the right to choose their child care provider, (e.g. relative, a family child care home, or child care center)
- Provider may be required to have an SSN
- State agencies *cannot require* an SSN from persons seeking CCDF-funded child care and cannot deny the benefit to families that do not provide an SSN (even if TANF funds included in CCDF)

Federal TANF Funded Child Care

- “Qualified immigrants” who entered the U.S. before Aug. 22, 1996.
- 5 year bar applied to all other qualified immigrants
- Refugees and asylees
- Persons granted withholding of removal
- Amerasian immigrants
- Cuban/Haitian entrants
- Survivors of trafficking and their children
- Veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are “qualified” immigrants

State Funded SNAP

- VAWA self-petitioners
 - CA, CT, ME, MN (50+), WA
- U visa applicants
 - CA, IL, ME, MN (50+), WA
- T visa applicants
 - All states

DHS requires universities to ask
about immigration status of applicant
or enrolling students.



True



False

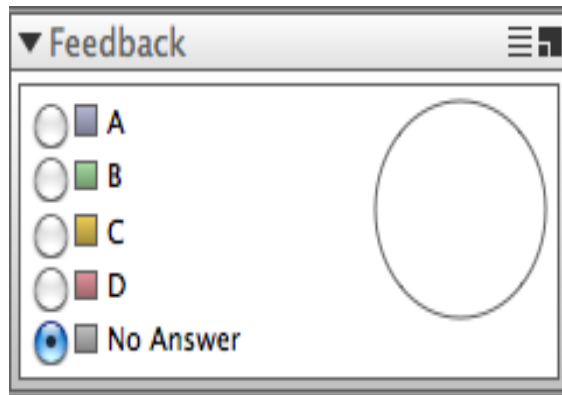
Education

- DHS does not require universities to ask about immigration status of applicant or enrolling students
- Immigrants eligible for student federal student loans
 - VAWA self-petitioners and their children
 - Permanent residents including SIJS
 - Trafficking victims
 - Refugees/asylees
 - SIJS recipients of lawful permanent residency

Post secondary educational grants and loans

- Battered immigrant self-petitioners and their children are qualified immigrants eligible to receive DOE funded grants and loans
- Universities are to accept DHS/Immigration Judge
 - Documentation of VAWA self-petition/cancellation status
- On FAFSA check “eligible noncitizen” and provide “A” number
- Explains no-match with DOE/DHS computer system and
 - DOES NOT require verification
- DHS documents must be current at each time of re-application
- Students remain eligible after age of majority unless
 - VAWA case is denied

Poll 8: Have you worked with clients who do not have which of the following identification documents?



▼ Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer

- A. Passport
- B. Driver's license
- C. Government issued identification card
- D. Birth Certificate
- E. All the Above

Federally Recognized Driver's Licenses and IDs

- Under the REAL ID Act, evidence of lawful status is required for driver's license to be a federally recognized form of identification
 - T visa bona fide
 - Continued Presence
 - Immigrants with work authorization
 - Approved VAWA self-petitioners
 - Bona fide or waitlist approved U visa victims
 - SJIS applicants for lawful permanent residency

Drivers' Licenses

- Upon receipt of work authorization federally recognized driver's license or ID = All states, DC and PR
 - VAWA approved cases with deferred action (2 years)
 - U with deferred action (up to 5 years)
 - Bona fide or waitlist approval
 - T visa bona fide or Continued presence
 - DACA
 - SIJS (≈3 years) with lawful permanent residence
- State issued licenses and IDs = 20 states (14 Vera states)
- Deferred action = KS, MO, VA
- VAWA prima facie = ME

Individual Taxpayer Identification Number (ITIN) Purpose

- A tax-processing number issued by the IRS to ensure that people pay taxes even if they do not have a Social Security number (SSN) and regardless of their immigration status.
- Complying with federal tax laws.
- Can open an interest-bearing bank account.
- Helps secure a driver's license.
- Proof of “good moral character” for immigration applications
- Immigrants can use tax returns to document their work history and physical presence in the U.S. in future immigration applications

How to apply for ITIN

- Applicants must fill out a W-7 application form and submit it to the IRS with a completed tax return.
- Applicants are required to submit documents (original or certified copies) to the IRS verifying identity and “foreign status.”
- An applicant can apply for an ITIN by mail, in person through a designated IRS Taxpayer Assistance Center (TAC), or with the help of an Acceptance Agent (AA) or a Certified Acceptance Agent (CAA) authorized by the IRS.

Non-Work SSNs

Example VAWA Self-Petitioners

- HUD regulations require that public and assisted housing recipients provide a Social Security Number.
- VAWA self-petitioners can request a non-work social security number from SSA.
- The victims' advocate or attorney should simultaneously request that the Public Housing Authority which received the victims' application for public or assisted housing issue a letter that the victim can request a non-work social security number from SSA.

Public Charge

- The public charge ground of inadmissibility refers to barring a foreign national from obtaining lawful permanent resident status if he or she is likely to become a public charge (primarily dependent on government subsistence).

List of Exemptions from Public Charge

- VAWA self-petitioners;
- VAWA cancellation of removal;
- VAWA suspension of deportation;
- Battered spouse waiver;
- Abused approved family-based visa applicants (I-130);
- VAWA NACARA,
- HRIFA or Cuban Adjustment;
- U visa;
- T visa applicants and holders*
- Refugees;
- Asylees;
- Special Immigrant Juvenile Status (SIJS);
- (DACA) applicants;
- Amerasians;
- Afghan and Iraqi military translators;
- certain Cuban and Haitian adjustment applicants;
- certain Nicaraguans and Central Americans under NACARA;
- Registry applicants;
- Soviet and Southeast Asian Lautenberg parolees;
- Certain visa holders**;
- Green Card holders

Public Charge Determination

- USCIS will review the following:
 - Non-citizen age, health, family status, financial status (including assets and resources), education, and skills;
 - Form I-864, *Affidavit of Support Under Section 213A of the INA*
 - Whether the person themselves (not a family member) received or are receiving:
 - Supplemental Security Income (SSI); Cash assistance for income maintenance Temporary Assistance for Needy Families (TANF); State or local income assistance “General Assistance”; or Long-term institutionalization at government expense.
- Other public benefits are excluded from the public charge determination – examples include:
 - Food stamps, nutritional assistance, CHIP, Medicaid, public or assisted housing, educational grants and loans

Multilingual Resources

- Know your Rights (Public benefits information)
 - Arabic
 - French
 - Spanish
 - Russian

<https://niwaplibrary.wcl.american.edu/multilingual-materials-by-title>

Web Page Materials

- Materials List:
<https://niwaplibrary.wcl.american.edu/publicbenefits-cila>
- Directory
- Public Benefits Training Materials
 - NIWAP's public benefits map and state-by-state charts
 - Benefits Open to all Immigrants -Brochure
 - State Benefits Charts
 - Brochure: Immigrant crime victims and public charge
 - Privacy protections and benefits reporting requirements
 - And more...

Technical Assistance and Materials

- NIWAP is a national organization that provides various services to professionals who work with immigrant women, children, and crime victims.
- NIWAP offers training, legal and social science research, policy development, and technical assistance to a wide range of professionals, including advocates, attorneys, local law enforcement, social services, etc.
- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org

NIWAP Web library

niwaplibrary.wcl.american.edu



Introduction

Newsletters-FAQs

Trainings

Past Trainings

Manuals

Immigration

Public Benefits & Economic Relief

Family Law

Law Enforcement

Judges

Dynamics, Culture, & Safety

Language Access

Access to Legal Services

VAWA Confidentiality

Criminal Justice

Public Policy

Research

Statutes

Legislative History

Regulations and Policies

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