

***Child Welfare Best Practices That Improve  
Access to Benefits and Services For Immigrant  
Children and Children in Immigrant Families***

**Casey Family Programs**

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# Introduction



**Leslye Orloff**  
Director  
National Immigrant Women's  
Advocacy Project,  
American University  
Washington College of Law

## Learning Objectives

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

- Know 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 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 for which immigrant children and their immigrant family members qualify
- Assist child welfare agencies to improve their work promoting the best interests of children in immigrant families

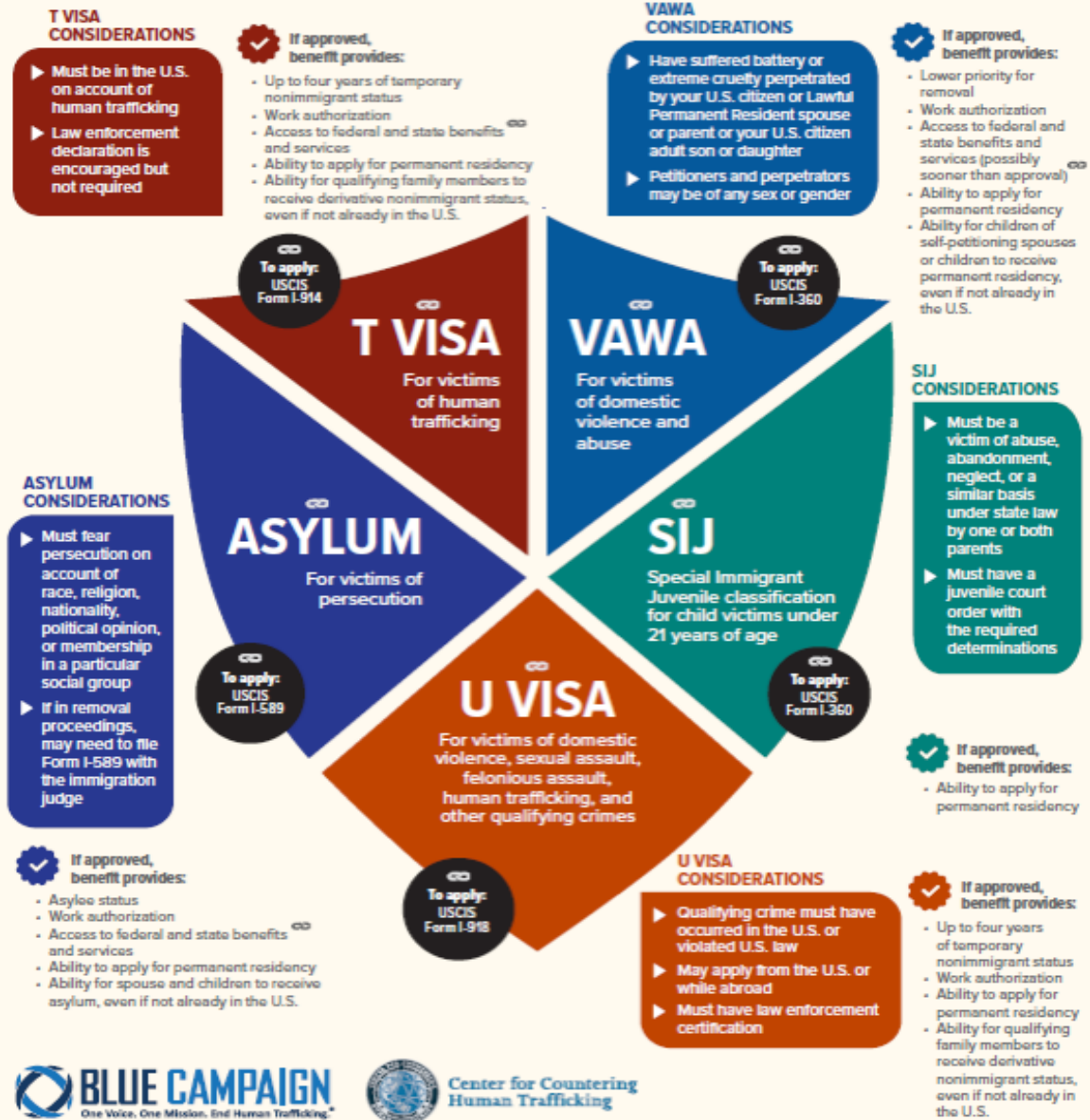
# Legal Immigration Relief for Children and Their Immigrant Parents



# U.S. Legal Immigration Benefits for Noncitizen Victims of Crime and Abuse

# NIWAP

## U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS



Center for Countering Human Trafficking

DHS.GOV/BLUECAMPAIGN

For victim support ☎ 1-888-373-7888 or text INFO or HELP to BeFree (233732)  
All U.S. Citizenship and Immigration Services (USCIS) forms can be found at: [www.uscis.gov/forms/all-forms](http://www.uscis.gov/forms/all-forms)

# Immigration Relief Available for Immigrant Victims of ---

- Domestic violence
  - Child abuse
  - Elder 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
- Hate Crimes
- Video voyeurism
- **Parent perpetrated**
  - **Child abuse**
  - **Child neglect**
  - **Child abandonment**

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

# Question

How do children benefit from the process of applying for and by gaining legal immigration status?



# Benefits for Immigrant Child Survivors

- Protection from deportation
- VAWA confidentiality
- Access to legal immigration status
- Financial independence and stability
  - 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 benefits and services



# 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
  - Includes attempted trafficking
- 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 impedes helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- *2025 time to work authorization ≈ 6 months*

# Special Immigrant Juvenile Status (SIJS)

- Immigration legal remedy 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 the required findings from a state court with jurisdiction over
  - the care, custody, or dependency of the child
- *2025 time to work authorization  $\approx$  4 years*

# 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
- *2025 time to work authorization  $\approx$  39.2 months*

# 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
- *2025 time to work authorization ≈ 4-42 months*
- **Battered Spouse Waiver**
  - Same group of victims – cases where abuser filed for victim
  - Removes requirement that victim stay with abuser for 2 years
  - *2025 time to approval ≈ 24 to 29 months*

# Trafficking Victims Protection Act Requires: (22 U.S.C. 7105(b))

- All federal, state, and local government officials
  - To report potential trafficking concerns to HHS within 24 hours
    - By filing a request for assistance with OTIP
  - When they identify an under 18-year-old foreign national who they suspect may be a victim of human trafficking
    - The child may have experienced forced labor or commercial sex at any point in the minor's life
    - Trafficking may have occurred in any country

# Survivors of Human Trafficking

- To be eligible for benefits, survivors of trafficking:
  - Must be children with an OTIP letter; Or
  - Have HHS certification of eligibility as victims of trafficking based on having received
    - T visa, T bona fide determination or Continued presence
- Benefits agencies must accept OTIP certification or child eligibility letter
- Also eligible for refugee programs
- OTIP children are assigned federal case workers



# Child Eligibility Benefits

Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income		Medicaid				Unaccompanied Refugee Minors Foster Care Program
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings				Voluntary Agency Matching Grant Program
		Refugee Medical Assistance				

Aspire Case management services and  
OTIP coordination nationwide

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



# Open to All Immigrant Victims of Crime/Abuse/Neglect Including Children

- Legal Services
- Family Court (Divorce)
- Interpreters/Translators
- Police Assistance
- Protection Orders
- Child Custody & Support
- Their Abusers Can Be Criminally Prosecuted
- Public Benefits for Their Eligible Children
- SANE Exams
- VOCA
- Assistance for Crime Victims
- Shelter
- Transitional Housing
- GED
- WIC/school lunch & breakfast
- Primary/Secondary education
- Immunizations, testing, treatment communicable diseases
- Emergency medical care
- Care from community & migrant health clinics

# Exempt Community Programs Necessary for Protection of Life or Safety Under 1996 Welfare Reform Legislation

(8 U.S.C. Section 1611(b)(1)(D)) (66 Federal Register 3613)

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

# In-Kind Services Open to All Immigrants

(8 U.S.C. Section 1611(b)(1)(D)) (66 Federal Register 3613)

- 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



# Discussion

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



# Health Care Open to All Immigrants

- Community and migrant health clinics
  - [www.nachc.com](http://www.nachc.com)
  - [www.hrsa.gov](http://www.hrsa.gov)
  - Enter zip code
  - Federally qualified health centers
  - Hill-Burton Obligated facilities
- State funded programs
- Post-assault health care paid by VOCA
- Emergency Medicaid
- Immunization, testing, treatment of communicable diseases



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



# Who are “Qualified Immigrants”?

- Trafficking victims with T visas or bona fide determinations
- 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
- Lawful permanent residents
- Refugees and asylees
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Persons granted conditional entry
- Persons paroled into U.S. one year or more
- Persons granted withholding of deportation or cancellation of removal

# 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
- 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”



# Examples of State and Federal Public Benefits

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

*Paid to an individual, household, or family eligibility unit*

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

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

## The Five-Year Bar

- Due to 1996 welfare reform, qualified immigrants 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.
- States have the option to provided state funded benefits during the 5-year bar – varies by benefit type
- Some immigrants are not subject to the 5-year bar E.g.:
  - Refugees,
  - Asylees
  - Amerasian immigrants
  - Cuban/Haitian entrants,
  - Immigrants granted withholding of deportation
  - Victims of severe forms of human trafficking

# 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”

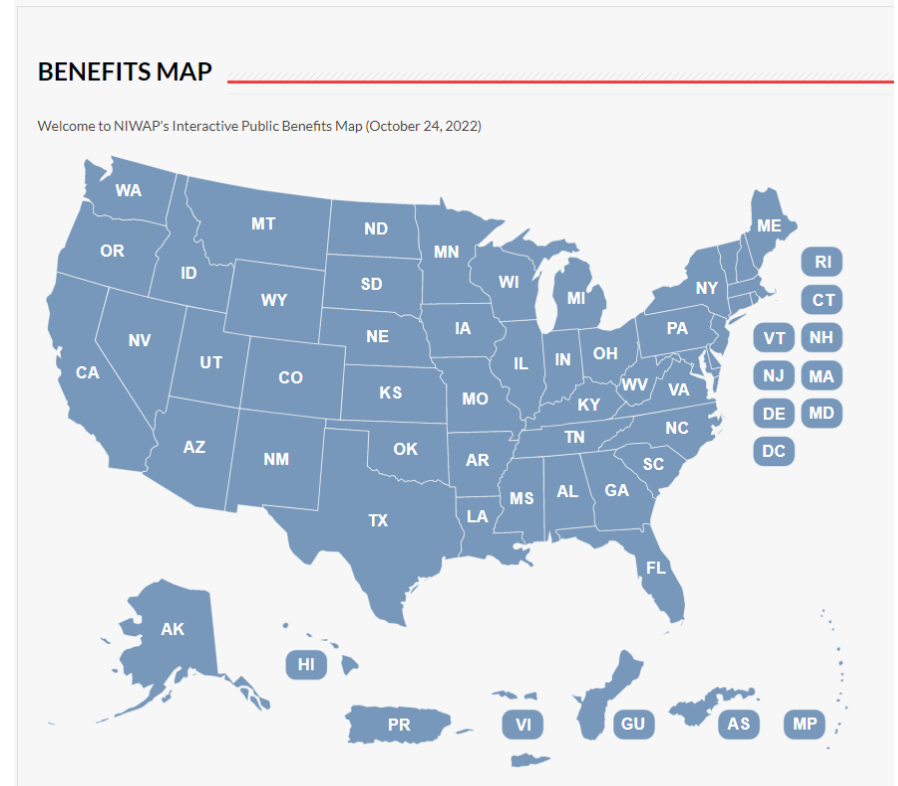
# Interactive Public Benefits Map Demonstration

	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.

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Airtable

Download



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

# 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 in Arizona – Part I

- TANF and TANF Funded Child Care
  - No wait: Refugees, T visas, Continued Presence (CP), OTIP children, Asylees
  - VAWA (5 years) SIJS (9 years); U visa (28+ years)
- Child Care through CCDF – open to all
- SNAP for Children under 18, Elderly or Disabled:
  - No wait: VAWAs, T visas, CP, OTIP Letter, Lawful Permanent Residents (LPRs)
  - U visas (23+ years); SIJS (4 years)
  - Adult LPRs need 40 quarters work credit (10 yrs)
- SSI (most limited): T visas, OTIP, CP, Refugees, asylees
  - Wait times: VAWAs (10 yrs); SIJS-LPRs (14 yrs); U visa (28 yrs)

## Benefits in Arizona – Part II

- Health Care

- Purchase Health Care on Exchanges: VAWA, CP, T visa, OTIP, SIJS applicants, U visa bona fides, refugees, asylees
- CHIP and Medicaid
  - Eligible - T visas, OTIP, CP, Refugees, asylees
  - Wait times: VAWAs (5 yrs); SIJS-LPRs (9 yrs); U visa (28 yrs)

- Education:

- Federal: T visas, CP, OTIP, VAWAs
  - Wait times: SIJS (4 yrs); U visa (25+ years)
- State: In-state tuition = 2 yrs physical presence while attending AZ high school + diploma or GED – some immigrants excluded (e.g. U visas)
- Financial aid to attend AZ public university or community college available without immigration restrictions





## Benefits in Arizona - Part III

- Driver's License
  - Federally recognized – upon work authorization
    - Eligible: T visa, T bona fide, CP, OTIP, refugees, asylees
    - Wait times: VAWAs (3 mo/3 yr); U visa (3 yr); SIJS (4 yr)
- Housing - Transitional – all victims + homeless + abused children
  - Public and Assisted: VAWA applicants, T visas, T bona fide, CP, OTIP, LPRs.  
Waits: SIJS (4 years); U visa (23 years)
- LIHEAP -Weatherization everyone
  - LIHEAP – VAWA, T visa/CP (ORR Letter), LPRs (SIJS & U visas)
- FEMA :Emergency assistance: everyone
  - Individual Households Program; Individual & Family Grant Program; & US Small Business Administrations Loans
    - VAWA, T visa, CP, LPRs, SIJS (4 yrs), U visa (23+yrs)
  - Disaster Unemployment: Requires work authorization

# Addressing Concerns About Accessing Benefits and Accompanying Immigrant Families Applying For Benefits

## Poll 7: True or False?

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



True



False

# Public Charge

- The public charge ground of inadmissibility bars a foreign national from obtaining lawful permanent resident status if they are likely to become a public charge (primarily dependent on government subsistence).
- Certain publicly funded programs excluded =
  - Food stamps, nutritional assistance, CHIP, Medicaid, public or assisted housing, educational grants and loans
- Many victims and children exempt

# 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

## Poll 4: True or False?

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



True



False

# 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

# 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



# 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

# Promoting Best Interests of Children in Immigrant Families Best Practices

## Key Elements of Effective Strategies

- Promote stability by screening early and regularly for child/parent/guardian immigrant eligibility
  - Know how to detect human trafficking
- Know where to refer children/victims for quality immigration assistance
  - NIWAP directory <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>
- Implement practices/policies that result in early receipt of U/T visa certifications and SIJS findings
  - NIWAP CPS Toolkit <https://niwaplibrary.wcl.american.edu/pubs/cps-toolkit/>

# Promote Stability and Safety of Children

- Early access to immigration relief expands benefits access
- Puts child on a path to federally funded healthcare, housing, education, food and other assistance
- Improves stability through
  - Driver's licenses, identity documents, protection from deportation, work authorization
- Supports kinship placements

# Questions and Answers

# Technical Assistance and Materials

- Power Point presentations and materials for this training at <https://niwaplibrary.wcl.american.edu/CaseyMay2025>
- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail [info@niwap.org](mailto:info@niwap.org)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)