

Best Practices for Serving Immigrant  
Victims: Enhancing Safety Planning,  
Access to Public  
Benefits and Services, Justice System  
Participation

Webinar For in Charles, St. Mary's, and Calvert  
Counties in Maryland

July 30, 2020



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American University Washington College of Law

# Learning Objectives

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

- Understand dynamics and barriers immigrant survivors encounter
- Be familiar with the full range of protections immigrant survivors sexual assault are legally eligible to access
- Know how to assist immigrant and refugee survivors accessing housing, public benefits, legal service and justice system help in a trauma informed manner

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

Please check the box that best describes you:

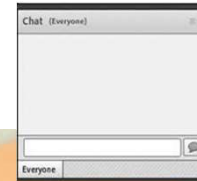
- A. Victim Advocates
- B. Attorneys
- C. Coalition staff
- D. Shelter staff/Social service providers
- E. Other – type in the chat



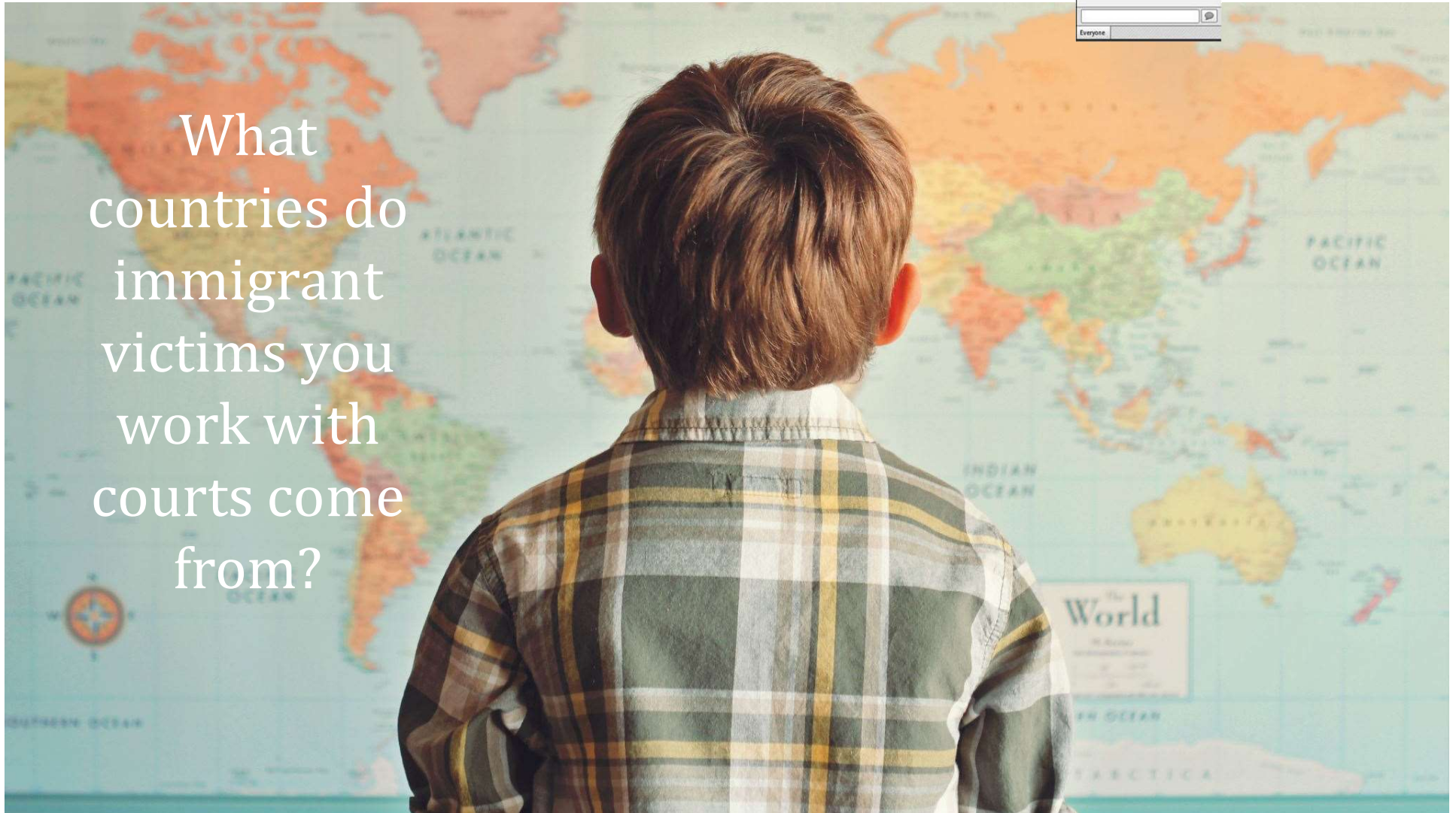
POLL

# Demographics

**Poll 2:** Type in the chat box



What countries do immigrant victims you work with courts come from?



# Maryland Demographics (2018)\*

- ❖ Total foreign born population – 915,191
- ❖ 15.1% of the state's ~6 million people are foreign born
  - 44% naturalized citizens
  - 25% legal permanent residents
  - 30% temporary visa holders or undocumented immigrants
  - 76.6% rise in immigrant population from 2000 to 2018
- ❖ 19.3% of people in the MD speak a language other than English at home & 37% of foreign born persons are limited English proficient
- ❖ Length of time immigrants have lived in the U.S.
  - 45.1% entered before 1999
  - 29.7% entered 2000 - 2009
  - 25.2% entered 2010 or after
- ❖ 29.8% of children under age 18 have one or more immigrant parents
  - 87.5% of these children are native-born U.S. citizens

*\*Source: Migration Policy Institute Data Hub (July 2020) and Lawful Permanent Resident estimates MPI and DHS (2018)*

<u>County</u>	<u>Total Population (2018)</u>	<u>Foreign-Born Population (2018)</u>	<u>Naturalization</u>
Calvert County	91,082	2.9% (about 2,649) <ul style="list-style-type: none"> <li>○ By Region <ul style="list-style-type: none"> <li>▪ 39.3% Asia</li> <li>▪ 31.8% Europe</li> <li>▪ 25.9% Latin America</li> <li>▪ 1.5% Africa</li> <li>▪ 0.8% North America</li> <li>▪ 0.6% Oceania</li> </ul> </li> </ul>	64.7% Naturalized U.S. Citizen  35.3% Not a U.S. Citizen
Charles County	157,671	6% (about 9,524) <ul style="list-style-type: none"> <li>○ By Region <ul style="list-style-type: none"> <li>▪ 41.5% Asia</li> <li>▪ 33.3% Latin America</li> <li>▪ 14.4% Africa</li> <li>▪ 10.1% Europe</li> <li>▪ 0.3% Oceania</li> <li>▪ 0.3% North America</li> </ul> </li> </ul>	60.4% Naturalized U.S. Citizen  39.6% Not a U.S. Citizen
St. Mary's County	111,531	4.8% (5,382) <ul style="list-style-type: none"> <li>○ By Region <ul style="list-style-type: none"> <li>▪ 39.5% Asia</li> <li>▪ 34.7% Latin America</li> <li>▪ 16.1% Europe</li> <li>▪ 3.5% Africa</li> <li>▪ 3.1% Oceania</li> <li>▪ 3.1% North America</li> </ul> </li> </ul>	55.2% Naturalized U.S. Citizen  44.8% Not a U.S. Citizen



**Discussion:** What languages other than English are survivors you encounter speaking? ---

## Maryland – Countries/Regions of Origin & Limited English Proficiency (LEP)(2018)\*

- ▶ Latin America – 39.3%
  - ▶ El Salvador (11.1%)
  - ▶ Caribbean (8.7%)
    - ▶ Jamaica (3.5%)
  - ▶ South America (8.5%)
  - ▶ Other Central America (7.3)
    - ▶ Mexico (3.7%)
- ▶ Asia – 28.2%
  - ▶ China/Taiwan (6.6%)
  - ▶ India (6.2%)
  - ▶ Philippines (3.8%)
  - ▶ Korea (3.5%)
  - ▶ Vietnam (2.0%)
- ▶ Europe – 8.3%
  - ▶ Eastern Europe (3.4%)
- ▶ Africa – 20.1%
  - ▶ West Africa (10.2%)
  - ▶ East Africa (5.5%)
- ▶ Middle East – 2.8%
- ▶ Canada (1%)
- ▶ LEP % by Language
  - ▶ Korean (49.5%)
  - ▶ Vietnamese (48.4%)
  - ▶ Spanish (43.9%)
  - ▶ Chinese (42.1%)
  - ▶ Russian (37.3%)
  - ▶ Urdu (32.9%)
  - ▶ Amharic, Somali (30.8%)

*\*Source: Migration Policy Institute Data Hub (July 2020)*

# Language Access in Cases Involving Limited English Proficient Survivors

- Required of law enforcement, courts, benefits agencies, victim and legal services, health care
- All agencies receiving federal assistance
- Securing language access part of case planning
- World language identification card

# Title VI of the Civil Rights Act 1964

## Meaning:

- If an organization receives any federal funds
- All aspects of the organization must take reasonable steps to provide meaningful access to programs, benefits, and services offered by the organization to persons who are limited English proficient (LEP)

# Limited English Proficiency (LEP)

LEP.gov

A Federal Interagency Website

Search LEP.gov

## LEP Resources and Information

[Frequently Asked Questions](#)

[Executive Order 13166](#)

[Resources by Subject](#)

[Recipients of Federal Assistance](#)

[Interpretation and Translation](#)

[LEP and Title VI Videos](#)

[Demographic Data](#)

[LEP Mapping Tools](#)

## LEP Compliance

[Federal Agency LEP Plans](#)

[LEP Guidance for Recipients](#)

[LEP Guidance for DOJ Recipients](#)

[File a Complaint](#)

[LEP.gov](#)

[Suggest LEP Resources](#)

[Report Broken Links on LEP.gov](#)

[Last Updated: November 19, 2018](#)

## Department of Justice LEP Guidance for Recipients and Agencies

### Department of Justice LEP Guidance for Recipients and Agencies

[LEP Guidance for DOJ Recipients](#)

[Language Access Guidance Materials](#)

[State Courts](#)

[Corrections](#)

[Police and Sheriff's Departments](#)

[Guidance to State and Local Government](#)

[Guidance for Federal Agencies](#)

## LEP Guidance for DOJ Recipients

[\[TOP\]](#)

[2002 LEP Guidance for DOJ Recipients - June 18, 2002](#)

[General Guidance Issued with Executive Order 13166 - August 16, 2000](#)

[LEP Enforcement and Compliance Activities](#)

## Language Access Guidance Materials

[\[TOP\]](#)

**NIWAP**

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

# IMMIGRANT SURVIVOR DYNAMICS AND VAWA CONFIDENTIALITY PROTECTIONS

**Discussion:** What barriers and fears prevent immigrant survivors from seeking help?

# Major Challenges in working with Immigrant Survivors of Crime

- Fear of deportation
- Language access
- Retaliation from abuser
- Fear of losing their children
- Lack of knowledge of legal rights
- Ability to leave work to access courts or services
- Do not trust that advocates, attorneys, police, prosecutors, judges will help them
- Service providers and professionals do not know what immigrant victims qualify to receive



# Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for survivors:
  - 72.3% never file immigration papers
  - The 27.7% who did file had a mean delay of **3.97 years.**

Hass, Dutton and Orloff (2000). "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications." *International Review of Victimology* 7 93113

- 65% of immigrant survivors report some form of immigration related abuse (NIJ, 2003)

Edna Erez and Nawal Ammar, *Violence Against Immigrant Women and Systemic Responses: An Exploratory Study* (2003)

- Abuse rate rises to 59.5% when an immigrant's spouse/former spouse is a U.S. citizen
  - Twice the national average

Hass, G. A., Ammar, N., Orloff, L. (2006). *Battered Immigrants and U.S. Citizen Spouses*

# Immigration Related Abuse

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse\*
- May predict abuse escalation
- Corroborates existence of physical and sexual abuse

\*Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)

# Sexual Assault Rates Among Immigrant Women

- High school-aged immigrant girls
  - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault
  - Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007).

## Perpetrators Efforts to Trigger Victim's Removal

- Perpetrators actively reporting victims with pending immigration cases for removal
  - VAWA self-petitioners 38.3%; U visa 25%
- Perpetrators got the victim arrested when the victim called police for help with domestic violence
  - VAWA self-petitioners rose 2013-2017 from 15.4% -17%
  - U visa rose 2013-2017 from 7.5% -36%

Krisztina E. Szabo, David Stauffer, Benish Anver, *Work 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)

# VAWA Confidentiality Protections

- **Abuser-Provided Information:** DHS, DOJ and the State Department are barred from taking action against a victim based *solely* upon information provided by abusers and crime perpetrators (their family members or associates)
- **Location Prohibitions** to enforcement unless DHS complies with specific statutory and policy safeguards – includes no courthouse immigration enforcement against immigrant crime victims
- **Non-Disclosure:** DHS, DOJ and the State Department cannot disclose VAWA confidentiality protected information to anyone including through civil, family and criminal court discovery of information about or contained in the file of any protected case:
  - VAWA self-petitioners, VAWA cancellation/suspension, T visa, U visa, Battered Spouse Waiver, Abused Visa Holder Spouses
- **\$5000 fine + job sanctions**

# VAWA Sensitive Location Prohibitions

- Enforcement actions are not to be taken unless the action specific procedures designed to protect victims are followed:
  - A shelter
  - Rape crisis center
  - Supervised visitation center
  - Family justice center
  - Victim services program or provider
  - Community based organization
  - Courthouse in connection with any
    - Protection order case, child custody case, civil, or criminal case involving or related to domestic violence, sexual assault, trafficking, stalking



# DHS VAWA Confidentiality Computer System

- Directs to check for “384” computer system flag that identifies victims who have already filed for or have been granted victim-based immigration relief
- Reminds immigration officers that the immigrant is a victim
- Sanctions \$5,000 fine and/or disciplinary action

# Advocacy and Best Practices

- Screen victims as early as possible for immigration relief eligibility
- Give survivors a letter stating that they are in the process of filing a VAWA, T or U visa immigration case
- In some cases safety improved if immigration case is filed first before
  - Protection order, divorce, or custody case
  - Victim travels to a new location
- Particularly when the survivor is receiving immigration related threats



# Sensitive Locations

- Enforcement actions by ICE and CBP are not to occur or be focused at sensitive locations:
  - Schools
  - Medical treatment and health care facilities
  - Places of worship
  - Religious or civil ceremonies, e.g. weddings, funerals
  - During a public demonstration, e.g., march, rally, parade

# IMMIGRATION RELIEF FOR IMMIGRANT SURVIVORS OF DOMESTIC AND SEXUAL VIOLENCE

**Poll 2:** Raise your hand if the you have worked on family violence case where involving an immigrant victim whose perpetrator was a ---



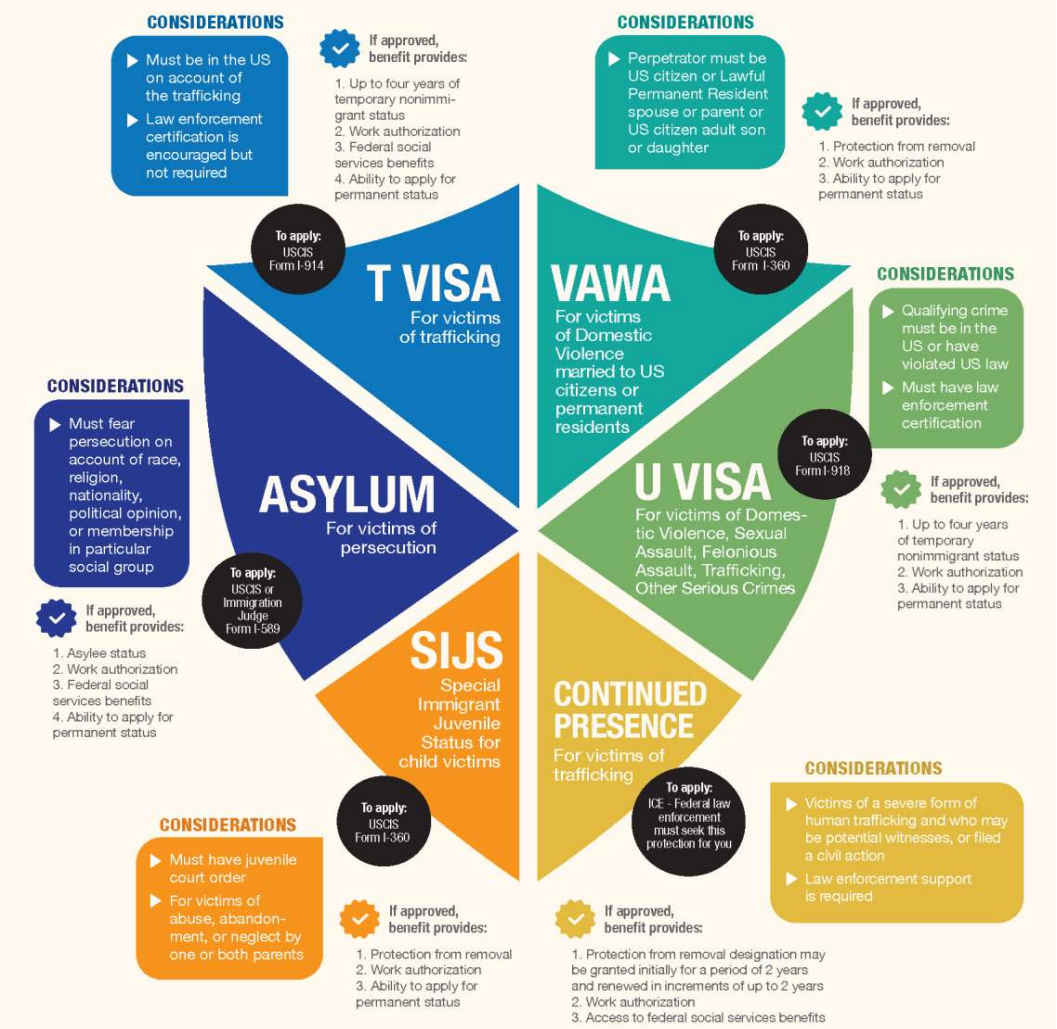
- Citizen or lawful permanent resident spouse;
- Citizen or lawful permanent resident parent; or
- Over 21-year-old citizen child

**Discussion:** How does filing for immigration relief help immigrant domestic and sexual abuse survivors?

# Benefits for Survivors

- Protection from deportation
  - VAWA confidentiality
- Can include family members in application
  - VAWAs, U visas and T visas
- Access to legal immigration status
- Financial independence from perpetrator
  - Legal work authorization (3 - 48 months post filing)
  - Issuance of federally recognized ID
  - Access to some state/federal public benefits beyond programs open to all immigrants

# PROTECTIONS FOR IMMIGRANT VICTIMS



DHS.GOV/BLUE-CAMPAIGN

For victim support call 1-888-373-7888 or text INFO or HELP to BeFree (233733)

# Immigration Relief Available for Immigrant Survivors of —

- Domestic violence (battery or extreme cruelty)
    - 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**

# Purpose of Immigrant Survivor Protections

Congress enacted VAWA self-petitioning (1994), the U and T visas (2000) & Special Immigrant Juvenile Status (SIJS) (1990, 2008) to:

- Improve community policing and community relationships
- Increase prosecution of perpetrators of crimes against immigrant victims
- Allow survivors to report crimes and seek help from police, prosecutors, and courts without fear of deportation
- Improve access to justice in family/criminal/civil courts for immigrant survivors of
  - Domestic & sexual abuse, stalking, human trafficking, and child/elder abuse
- Enhance safety
- Keep communities safe



# VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
  - Spouse; Parent; Stepparent; 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 Waiver if perpetrator files
- Access to some federal/state benefits = 3 months
- Work authorization = 4–18 months (2019)

# Forms of Extreme Cruelty

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

# 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
- **Timeline to work authorization, waitlist approval, and some very limited state benefits = 4–6 years(2020)**

# 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
- **Work authorization and *many* federal and state public benefits = 3–12 months (2020)**

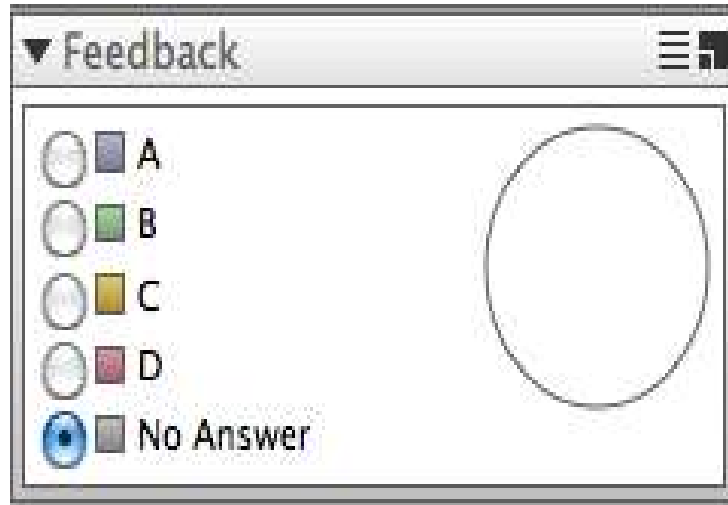
# Special Immigrant Juvenile Status (SIJS)

- 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
- **Timeline to approval, lawful permanent residency, & some federal/state public benefits = 6 – 36 months (2019)**

# Case Scenario (Handout)

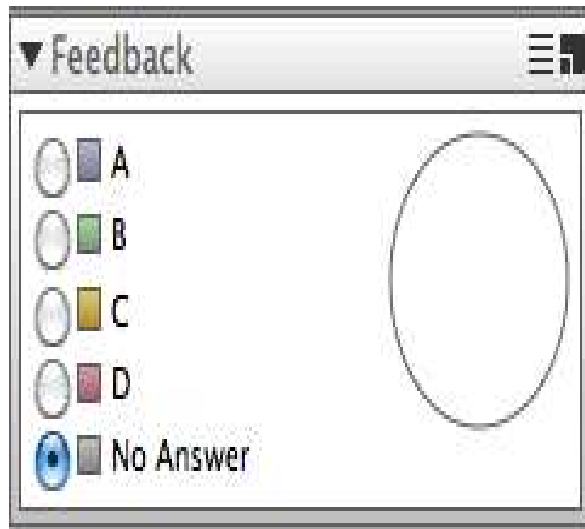
Clara met Eduardo a lawful permanent resident when he came back to his hometown to visit his family in El Salvador. Eduardo started dating, Clara who was raising her 9 year old son Miguel. After Clara became pregnant and gave birth to a baby girl Lupe, Eduardo decided to bring Clara, Miguel and Lupe 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 3: What forms of immigration relief would Clara qualify for:



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

## Poll 4: What forms of immigration relief would Miguel qualify for:



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



Access to Publicly Funded  
Programs and Legal Services Open  
to All Immigrant Domestic and  
Sexual Violence Survivors

# Access for All

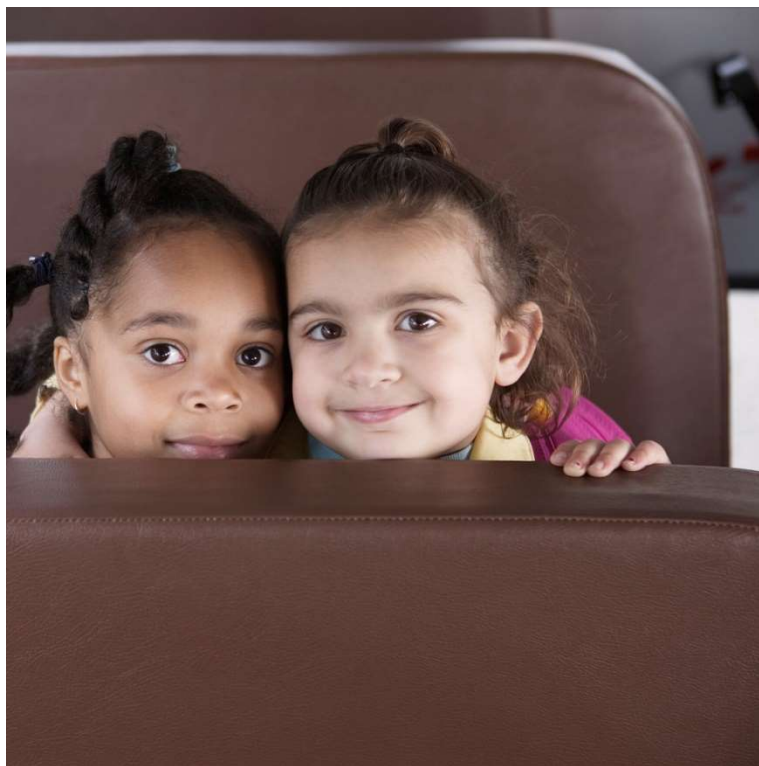
Both documented and undocumented immigrant survivors can access:

- 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
- 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



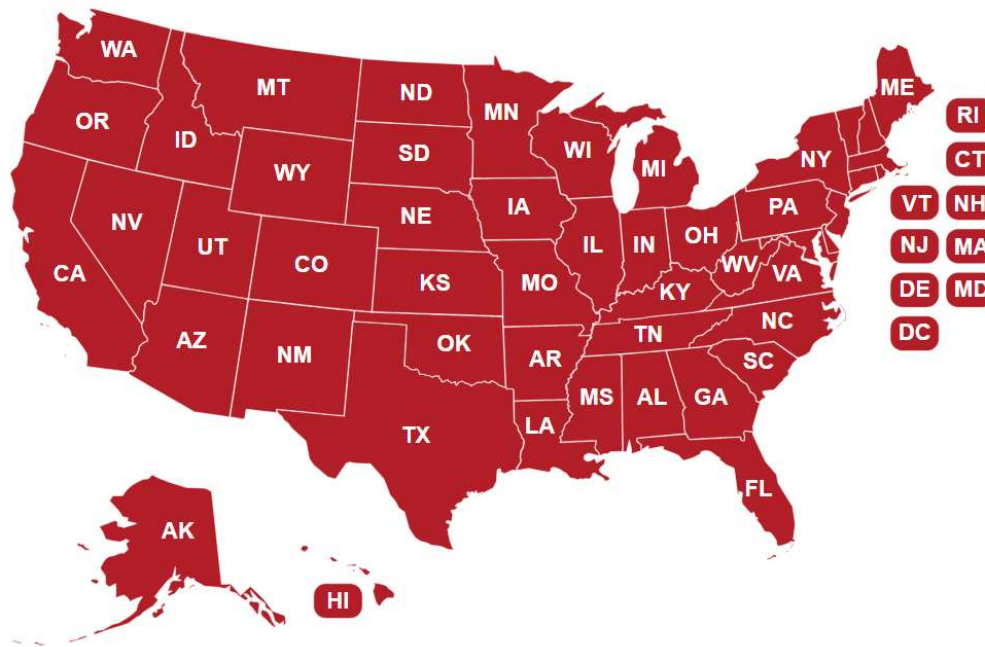
# When children qualify and their parents do not:

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

# 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 file for benefits for their citizen or LPR children
  - State welfare worker reporting requirements

<http://map.niwap.org/>





# Maps by Benefit

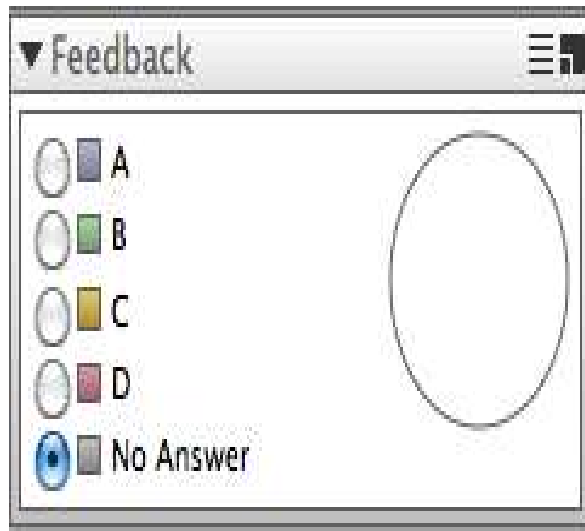
- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License
- Earned Income Tax Credit
- Emergency Housing & Safety Programs
- Emergency Medicaid
- Federal Education Benefits
- FEMA Assistance
- FEMA Restricted Programs
- Food Stamps
- Forensic Costs Coverage
- Income Tax Credits
- Legal Services
- Medicaid
- Post-Assault Healthcare
- Prenatal Care
- Purchasing Health Insurance on the Exchanges
- State Education Benefits
- Supplemental Security Income
- Weatherization & Energy Assistance
- WIC
- Unemployment (coming soon)

# Resources:

## Healthcare for Immigrant Victims

- State by state charts
  - VOCA funded post assault health care
  - Emergency Medicare
  - Forensic Exams
  - Prenatal Care

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



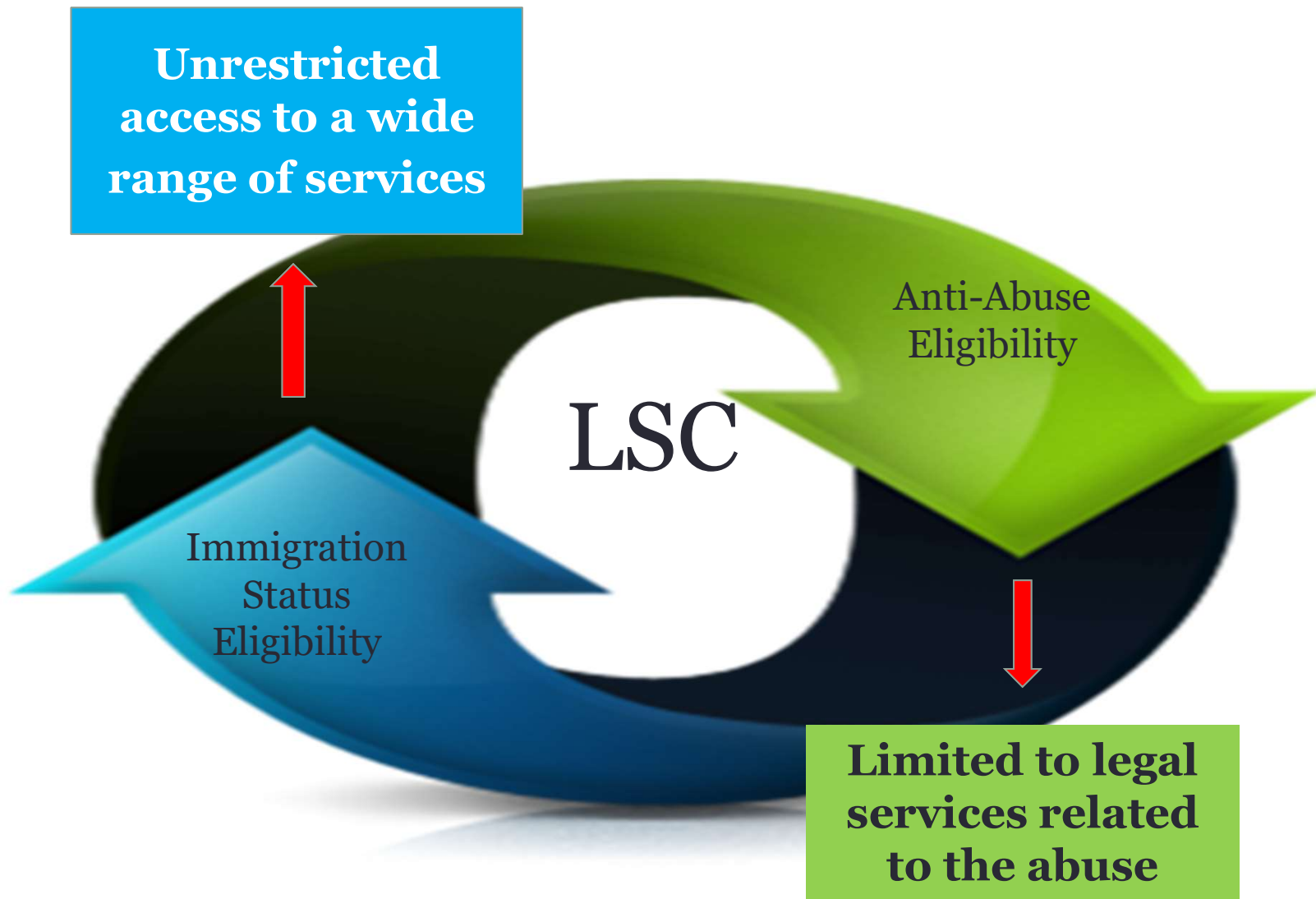
- A. Copy of the state/federal benefits statute
- B. DHS documents showing how victim is eligible
- C. Relevant state/federal policies
- D. All of the above

# Domestic Violence and Sexual Assault Survivors' Access to Legal Services Corporation (LSC) Funded Legal Services



# Representation Under VAWA Anti-Abuse Laws and Regulations

- LSC 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



**Slide 54**

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**RM13**

still have a concern that severe trafficking and T visa section allows full representation

Robin Murphy, 10/8/2014

# Legal Services “Related to the Abuse” Under Anti-Abuse Statutes

- Legal services needed to:
  - escape from the abusive situation,
  - ameliorate the current effects of the abuse, or
  - protect against future abuse,so long as the recipient can show the necessary connection of the representation to the abuse.”

45 C.F.R. 1626.4(b)(2)(2014)



# Access to Health Care

**Discussion:** Where can immigrant survivors receive health care that is subsidized 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
- 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](http://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”

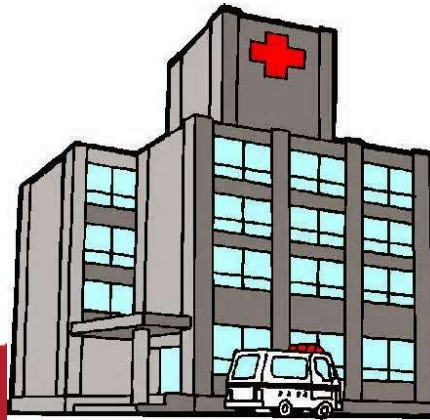


# Federally Qualified Health Centers

- 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
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Mental health treatment
- Substance abuse services

# 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



# 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
- Eligibility for Medicaid, the Children's Health Insurance Program (CHIP), and the Affordable Care Act (ACA) marketplaces has not changed due to COVID-19
  - Eligibility to benefits expand as survivors apply for immigration status

# Immigrant Crime Victim Access to Relief During the COVID-19 Crisis Under the CARES and FFCRA Acts (May 20, 2020)

- Found in NIWAP Web Library  
<http://niwaplibrary.wcl.american.edu/pubs/cares-act-unemployment-imm-victims-5-27-2020>
- Immigrant survivors with work authorization and work authorized SSNs can be eligible for
  - Economic Relief for Families
    - Must file 2019 income tax returns
  - Unemployment Insurance
- May not yet have legal immigration status

# CARES Act: Unemployment Insurance (UI)

- Immigrants are eligible for UI if they are authorized to work at each of the following times:
  - When they performed UI qualifying work;
  - At the time they apply for unemployment benefits, and
  - During the entire period for which they receive unemployment benefits
- Must:
  - Be “able and available” to work
  - Be “permanently residing under color of law” (“PRUCOL”) during the “base period” used to calculate the unemployment benefit amount
  - Have legal work authorization and work authorized SSN
- NIWAP publication – charts who qualifies for UI and Rebate payments by immigration case type



# Undocumented Immigrant Survivors Have a Legal Right to Access Shelter and Transitional Housing



**Discussion:** Have you worked with immigrant survivors who were turned away from transitional housing programs?

If so, why were they turned away?

# Benefits Available to all Immigrants Include:

- Shelter and transitional housing, 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, 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

# Applies to Government Funded Housing

- Violence Against Women Act
- Family Violence Prevention and Services Act
- Victims of Crime Act
- Housing and Urban Development funded
  - Emergency Solutions
  - Continuum of Care Programs

# HUD Office Of Special Needs Assistance Programs

- Emergency Solutions Grant (ESG) and Continuum of Care (CoC) funded programs are open to all with no immigrant restrictions
  - Street Outreach Services
  - Emergency Shelter
  - Rapid Re-Housing
  - HOME Program
  - Safe Haven
  - Housing Trust Fund
  - Rural Housing Stability Program
  - Mortgage Insurance for Rental and Cooperative Housing Section 221(d)(3) and (d)(5)

# Anti-Discrimination Protections

- No discrimination based on:
  - Title VI/FVPSA- race, color, and national origin
  - Fair Housing Act-race, color, national origin, religion, sex, familial status, and disability
  - VAWA- race, color religion, national origin, sex, gender identity, sexual orientation, and disability
  - HUD Section 109- race, color, national origin, sex, and religion

**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

Many immigrants with work authorization qualify for CAREs Act Rebates and unemployment insurance both state and CAREs Act

# 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
- 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

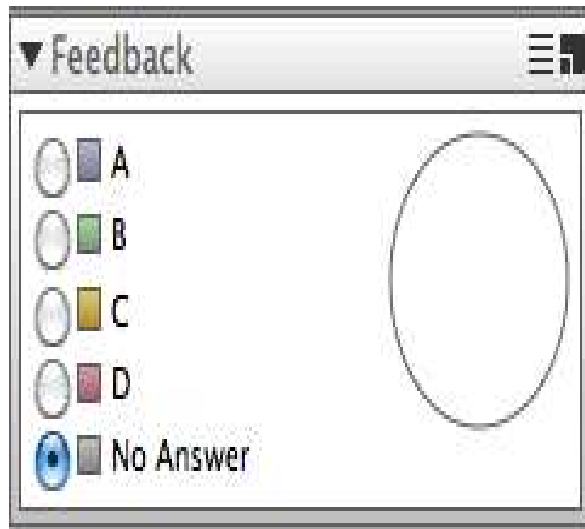
# When are immigrant survivors benefits eligible “qualified immigrants”?

- Family-based immigration cases
  - VAWA - Prima facie determination or approval of VAWA self-petition or VAWA suspension/cancellation
  - Approved visa petition filed by an abusive spouse or parent
- Trafficking victims
  - Bona fide determination in a T visa case
  - Approved T visa
  - Continued Presence
- Special Immigrant Juvenile Status and U visa
  - Upon receipt of lawful permanent residency

# 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

## Poll 6: Which of the following is **NOT** Eligible for Public and Assisted Housing?



- A. Lawful permanent residents, refugees & asylum recipients
- B. VAWA self-petition applicants
- C. U visa applicants/recipients
- D. Bona Fide T visa



# HUD List of VAWA Self-Petitioners

- Victims with VAWA self-petition I-360 filed
  - Children included in VAWA self-petition
- VAWA cancellation of removal and VAWA suspension of deportation applicants
  - Victims' children are not included in these applications
  - Will only appear in SAVE system if have work authorization
- Victims with approved I-130 visa petitions filed by their abusive spouse or parent
  - Children included in I-130 visa application filed for victim

# How Housing Providers Are to Complete DHS -SAVE System Online

- 1) Enter into SAVE the VAWA immigrant victim's:
  - Name + A# + Date of birth
- 2) System issues “Match” or “No Match” response
- 3) If “No Match” - Click “Institute Additional Verification”  
AND Enter in the note field either
  - “Verify VAWA Self-Petition” or “Verify I-130 Visa Petition” AND
  - Upload copy of the victim's DHS document:
    - I-360 VAWA self-petition
    - I-130 Family-based visa petition
    - I-797 Notice of Action: Used for receipt notice, prima facie determination, and approval notice

# Interactive Public Benefits Map

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ot secure | map.niwap.org  
JAP... TweetDeck Federal plain langu... National Immigrant... Social Media

**NIWAP** Web Library About NIWAP Maps by Benefit Demographics

Maps by Benefit

NIWAP

Web Library About NIWAP Maps by Benefit Demogr

Legal Services

These maps break down available public benefits based on immigrant's state and immigration status.

We are still working on this site, so if you cannot click on your state, check back soon for completed maps.



#### Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.

[Go to Map](#)



#### Child Care

Child Care services may be provided through public benefits.

[Go to Map](#)



#### Children's Health Insurance Program

Medical assistance is available to children through the Children's Health Insurance Program (CHIP).

[Go to Map](#)



#### Driver's License

State-specific requirements to be issued a driver's license.

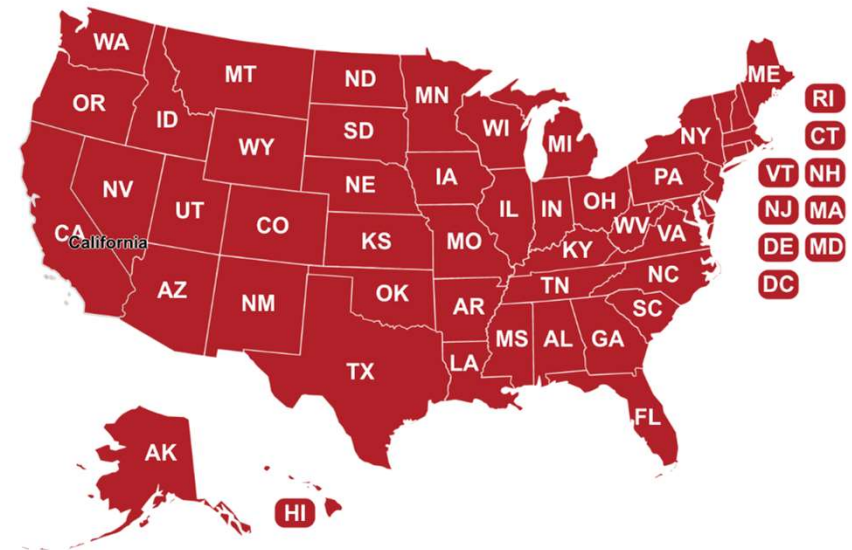
[Go to Map](#)



#### Earned Income Tax Credit



#### Emergency Housing & Safety Programs



<http://map.niwap.org/>

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## Post –Secondary State Funded Education - MD

- Exempt from paying the out-of-state tuition rate at a community college in Maryland if:
  - Attended a public or nonpublic secondary school in Maryland for at least three years;
  - Either graduated from a public or nonpublic Maryland secondary school or has received the equivalent of a high school diploma in Maryland;
  - Registers as an entering student in a community college in Maryland not earlier than the fall 2011 semester; and
  - Provides to the community college documentation that the individual’s parent or legal guardian has filed a Maryland income tax return.

# Benefits in Maryland

- TANF
  - VAWA, Continued Presence (CP), U visa waitlist, SIJS lawful permanent residents (LPRs)
- Child care
  - TANF same as above
  - Child Care Development Fund – no restrictions
- SNAP
  - VAWA children, CP, T visas , SIJS-LPRs
- Education
  - Federal: VAWA, CP, T visa applicants, SIJS-LPRs
  - State: School in MD 3 yrs. + diploma + taxes in MD
    - No immigration restrictions except T and U visa holders ineligible

# Benefits in Maryland

- Health Care
  - Exchanges: VAWA, CP, T visa, U visa waitlist, SIJS applicants
  - CHIP: VAWAs, CP, T visa, U visa waitlist, SIJS applicants
    - Until 21
  - Full scope adult Medicaid: VAWA, CP, T visa, U visa waitlist approved; SIJS (LPRs only if pregnant or 5 years as LPR)
- SSI (most limited): CP, T visa
  - VAWA & SIJS LPR (5 year bar+ 40 quarters work)
- Driver's License
  - Maryland (not federally recognized) anyone with MD tax return
  - Federally recognized – work authorization
    - VAWA approved, T visa bona fide, CP, U visa waitlist, SIJS – LPRs, DACA

# Benefits in Maryland

- Housing
  - Transitional – all victims + homeless + abused children
  - Public and Assisted: VAWA applicants, CP, T visas, SIJS – LPRs
- LIHEAP
  - Weatherization everyone
  - LIHEAP – VAWA, CP, T visa, SIJS LPRs
- FEMA
  - Emergency assistance: everyone
  - Individual Households Program: VAWA, T visa, CP
  - Individual & Family Grant Program: VAWA, T visa, CP, SIJS-LPRs
  - US Small Business Administrations Loans: VAWA, T visa, CP
  - Disaster Unemployment Assistance: VAWA, T visa, CP, SIJS-LPRs
  - Emergency Food Stamps: T visa, CP, SIJS-LPRs (after 40 quarters of work credit)

# Immigrants Exempt From Public Charge

- Victims
  - VAWA, T visas and U visas exempted
  - SIJS children
- Refugees
- Asylees
- DACA
- Visa holders
- Most lawful permanent residents



# Technical Assistance and Materials

- 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)

# NIWAP Web library

[niwaplibrary.wcl.american.edu](http://niwaplibrary.wcl.american.edu)

NIWAP  
National Immigrant Women's Advocacy Project  
Supporting immigrant women and children through education and policy advocacy.

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

Multilingual Materials

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