

Immigrant Survivors of Domestic And Sexual Violence in Family Court Matters

Addressing the Multiple Dimensions of Domestic Violence in Family Court
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Learning Objectives

At the end of this webinar, participants will be better able to

- Recognize dynamics of immigration related-abuse in cases before the court
- Use legally correct information about survivor-based forms of immigration relief when ruling in family court cases
- Understand the court's role in SIJS findings and U visa certification and how immigration issues may impact family court proceedings involving survivors of domestic violence, sexual assault, and child abuse

Immigration-Related Abuse

Hypo – Clara

- Clara is from El Salvador and came to the U.S. without documentation in 2010 with her daughter Elena. She fled because Elena's father was physically and sexually abusive.
- In 2012, she met Simon who was a U.S. citizen. They fell in love and had a daughter Sara. Simon promised he would file papers for them.
- Simon became physically abusive to Clara and Elena. Simon told Elena that she had to work in a store that he managed, but she never got paid. He told Clara that if she called the police he would withdraw the papers and that she would be arrested because she was undocumented and she'd never see Sara again.
- After one incident when Simon cut Elena's arm with scissors, Clara left with both of her kids to her friend Sofia's house. Sofia took pictures of the injury and took them to the hospital.

Barriers between Immigrants and Family Court

Barriers to Accessing Services

- Language Access
- Past experiences in home country
- Fear of removal
- Practical
- Economic
- Fear of family separation

Barriers to DV Victims from Abuser

- ❑ Withholding work authorization
- ❑ Keeping any money the victim earns
- ❑ Threats of deportation; report to ICE
- ❑ Threatening to hurt children in home country/kidnap children to home country
- ❑ Withholding assistance – family-based proceedings
- ❑ Immigration status threats
- ❑ US children taken away, hide/destroy papers
- ❑ Calling the victim a prostitute or "mail-ordered bride"
- ❑ DV stigma and keeping marital and family problems "private"
- ❑ "Machismo" culture
- ❑ Abuser likely more proficient in English

Barriers Continued

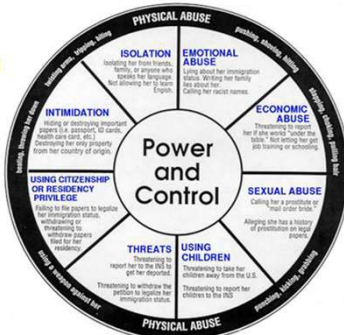
Fear and Mistrust of Law Enforcement

- ❑ Past negative experiences in U.S. and own countries
- ❑ DV/SA crimes not taken seriously in home country
- ❑ Fear that local police will report to ICE

Language Access/Cultural Issues

- ❑ Difficult to report crimes/provide accurate accounts
- ❑ Many agencies do not use interpreters
- ❑ Police sometimes use abusers as interpreters
- ❑ Children used as interpreters
- ❑ Only person police talk to may be abuser's family member or friend
- ❑ 911 operators don't identify need for interpreter quickly enough
- ❑ Fewer resources for LEP clients
- ❑ Language reliance on non-LEP abusers

Immigrant Power and Control Wheel



Cultural Competency

- ### Cultural Competency
- Cultural competency is a process
 - More than just factual knowledge of a culture
 - Includes ongoing attitudes towards both our clients and ourselves
 - Works to increase self-awareness of our biases and perceptions
 - Teaches us how to put aside biases and learn from clients
 - Cultural humility
- There are limits to cultural competency**

- ### Why is Cultural Competency Important?
- Helps us understand...
- ...a client's actions and responses to violence
 - ...a client's responses to universal experiences (like death)
 - ...how domestic violence uniquely affects survivors
 - ...and identify the most appropriate resources for survivors of violence
- Cultural competency and historical understanding are NOT excuses for the perpetuation of violence.

Continued

For clients:

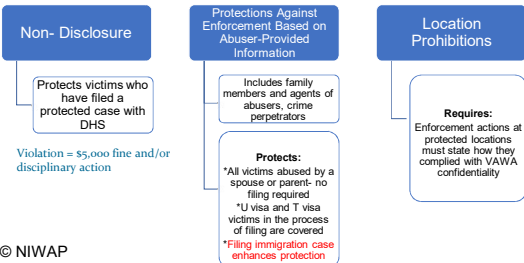
- Disclose information that they would normally be scared to
- Trust the provider's advice and believe that the provider is serving the client's best interest

For providers:

- Recognize triggers for the client
- Identify issues that may not be recognized as abuse
- Educate the client about differences between the
 - U.S. legal system and their country's legal system
- Engage in culturally-specific safety planning

VAWA Confidentiality Protections

VAWA Confidentiality Protections: 8 USC § 1367



Location Prohibitions under 8 USC § 1367

Enforcement actions are not to be taken at the following locations unless ICE can certify in writing it complied with 8 USC § 1367 protections:

- Shelter
- Rape Crisis Center
- Supervised Visitation Center
- Family Justice Center
- Victim service provider or program
- Community based program
- Courthouse in connection with any
 - Protection order case, child custody case, civil or criminal case involving or related to domestic violence, sexual assault, trafficking

Why is VAWA Confidentiality Important for State Courts?

- Perpetrators are using state court discovery to obtain federal VAWA confidentiality protected information that
 - DHS will not release
 - Cannot be released under federal law
- Confidentiality protections apply to family, civil and criminal court discovery
- VAWA confidentiality's limitations on courthouse immigration enforcement in cases involving immigrant crime victims

Courthouse Enforcement

- ICE Policy on Courthouse Enforcement
 - Courthouses not included in sensitive location policy
 - Enforcement Actions should be targeted
 - To the extent possible occur in non-public places
 - Seeking individuals considered priority enforcement
 - ICE will generally not target victims, witnesses and people accompanying others to court
 - ICE need Field Officer/Special Agent in Charge permission for enforcement actions in non-criminal cases, courthouses (e.g., family court, small claims court) proceedings.
 - Must check VAWA confidentiality data base

Steps Courts Are Taking

- ❑ Restrict activities that interfere with courtroom operations
- ❑ Enforcement restricted to non-public areas of the courthouse*
- ❑ Courts ask ICE to coordinate with court security staff and use of non-public entrances & exits*
- ❑ Some courts do not allow ICE into courtrooms
- ❑ No enforcement in civil and family proceedings absent written authorization from ICE Field Office Director or Special Agent in Charge*
- ❑ No interruptions during court proceedings or until case is completed
- ❑ No enforcement against victims, witnesses, family members, people accompanying others to court*
- ❑ Call courthouse security if ICE fails to comply with court orders

*= derived from DHS policy

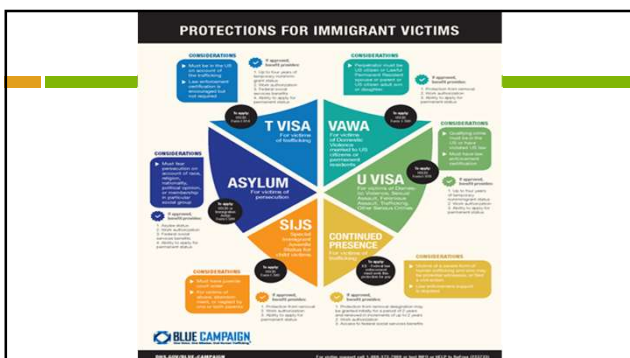
Clara continued

- ❑ Clara files for custody of Sara.
- ❑ Simon responds that he wants full custody of Sara because Clara is undocumented and so not allowed to legally work to support their daughter.
- ❑ Simon also alleges Clara will take Sara back to her home country.
- ❑ Simon alleges fraud, stating that Clara only married him for papers.

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 Osoff, "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications," 93(1)3, 7 International Review of Victimology (2009)
- ❑ Perpetrators actively report victims for removal
 - ❑ VAWA 38.3%; U visa 26.7% Rodriguez, Husain, Couture-Carron, Osoff, Ammar, "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" (2018)
- ❑ 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)

Immigration Protections for Survivors



- ### 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

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

25

U Visa Qualifying Criminal Activity

- | | | |
|--|--|---|
| <input type="checkbox"/> Domestic violence | <input type="checkbox"/> Female genital mutilation | <input type="checkbox"/> Peonage |
| <input type="checkbox"/> Sexual assault | <input type="checkbox"/> Kidnapping | <input type="checkbox"/> False Imprisonment |
| <input type="checkbox"/> Rape | <input type="checkbox"/> Abduction | <input type="checkbox"/> Blackmail |
| <input type="checkbox"/> Incest | <input type="checkbox"/> Trafficking | <input type="checkbox"/> Extortion |
| <input type="checkbox"/> Prostitution | <input type="checkbox"/> Involuntary servitude | <input type="checkbox"/> Witness tampering |
| <input type="checkbox"/> Torture | <input type="checkbox"/> Slave trade | <input type="checkbox"/> Obstruction of justice |
| <input type="checkbox"/> Felonious assault | <input type="checkbox"/> Being held hostage | <input type="checkbox"/> Perjury |
| <input type="checkbox"/> Manslaughter | <input type="checkbox"/> Fraud Foreign Labor Contracting | <input type="checkbox"/> Stalking |
| <input type="checkbox"/> Murder | | |

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

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
- Victim is physically present in the U.D. 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

Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children under 21
- Who are victims of abuse, abandonment, neglect
 - By at least **one parent**
- To apply, child must submit required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child

Asylum

- Protects those fleeing persecution in their home countries
- Legal Analysis is complex and constantly changing
- Litigated in Asylum Office and in Immigration Court; jurisdiction depends on whether applicant is in removal proceedings
- Did strongly protect victims of Intrafamily Violence who came to US fleeing their perpetrator
 - **BUT** Recent Attorney General Decision *Matter of AB* overturned strong caselaw and tries to foreclose asylum for those fleeing private violence

Potential Consequences of DV/SA

- Deportation
- Bar to Lawful Permanent Residence
- Bars to Naturalization (good moral character)
 - When would this apply?
- For US Citizens- (Adam Walsh Issues)
 - Barrier to immigrating fiancées
 - Bar to immigrating spouses and children

Judges and U Visas

- ### Judicial Role
- Make detailed findings
 - Family relationships: Marriage and Parent child relationship
 - Battering, extreme cruelty, child abuse, elder abuse, child abandonment, neglect, sexual assault, stalking
 - Apply and cite state law
 - Role Congress created for state court judges in
 - U/T visa certification
 - Special Immigrant Juvenile Status findings
 - Distribute DHS produced know your rights information available at your courthouse

- ### U/T Visa Certification: Who Can Certify?
- | | |
|---|---|
| □ Federal, state, and local <ul style="list-style-type: none">□ Police, sheriffs, FBI, HSI, ATF...□ Prosecutors□ Judges, Magistrates, Commissioners, Judicial Referees, Masters, Alderman, ALJs, Surrogates, Chancellors | □ Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC) |
| | □ Child and Elder Abuse investigators and agencies |
| | □ Other government agencies |

Court Receives Evidence of "Criminal Activities" in

- Family Proceedings
 - Civil Protection
 - Custody
 - Divorce
 - Paternity
 - Adoption
- Juvenile Proceedings
 - Child Abuse, Neglect, or Termination of Parental Rights
 - Delinquency
- Criminal Proceedings
- Probate Proceedings
 - Elder / Dependent Adult Abuse
 - Guardianship
 - Conservatorship
- Civil Proceedings
 - Employment
 - Tort damages against a perpetrator

Why victims seek certification from courts

- Victim's only justice system contact was a protection order, custody, or civil case
- No language access when called police for help
- Police did not investigate and case never sent to the prosecutor

U/T Visa Certification Tells USCIS:

- According to DHS, Certifications Verify that:
- Certifier believes the applicant is a victim of a qualifying criminal activity
 - Victim had knowledge of the criminal activity
 - Victim was, is, **or** is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing

Helpfulness Requirement Met *Even* When:

- ❑ Victim reports a crime and there's no further investigation
- ❑ Report is of past crime that the victim did not report at the time
- ❑ Perpetrator absconds or is deported
- ❑ Perpetrator is being prosecuted for a different crime
- ❑ Victim is not needed as a witness
- ❑ Victim is dead (indirect victim is applying)
- ❑ Perpetrator is dead
- ❑ The criminal case did not result in a guilty plea or conviction
- ❑ Victim is applying for a civil protection order, but domestic violence is not being criminally prosecuted

Evidence of Helpfulness in Family/ Civil Cases

- ❑ Filed and/ or appeared at hearing for full protection order
- ❑ Plead and or testified about abuse or sexual assault in a court case (e.g. protection order, divorce, custody, small claims, housing, employment)
- ❑ Evidence in case that victim called the police, made a police report, cooperated in a criminal investigation
- ❑ Serving the perpetrator with notice of case with underlying abuse facts

Judges and Special Immigrant Juvenile Status

Humanitarian protection that provides a path to lawful permanent residency for children

SIJS in the Family Court

- Congressional Design:
 - In its creation in 1990, Congress wanted findings of child abuse, neglect, abandonment, and best interests made by child welfare experts – have judges of “Juvenile Courts” apply their states’ laws
 - Amendments in 1993 and 2008 have kept this important role in place
- DCSC Family Court is a “Juvenile Court” authorized to make SIJS findings
 - *In re C.G.H.*, 75 A.3d 166 (D.C. 2013)
- Children eligible for SIJS come before the Family Court in:
 - DR Proceedings: Caretaker asking for custody
 - NEG proceeding

Intrafamily Violence and SIJS

- Special Circumstances in DR cases: children’s testimony about abuse, neglect, or abandonment might be the only available evidence on those issues
 - DCSC judges usually exclude others from the Courtroom, allow child to testify at table instead of witness box
 - Attorneys have to balance meeting evidentiary burdens with the retraumatization of testifying for the child
- Children in SIJS Custody cases: If abuse or neglect present in case, children have likely been victims of physical, sexual, or emotional abuse OR have witnessed abuse against caretakers and siblings, even if not all comes out in evidence
- Caretaker parents requesting custody could have been victims of intrafamily violence during the parties’ relationship, even if not highlighted

SIJS State Court Findings

- State Court SIJS findings are a statutorily required prerequisite to an eligible child being able to file the SIJS immigration case
- DHS uses the state court order as evidence in adjudicating the immigration application
- The state court order does **not** award SIJS
 - ONLY DHS can provide SIJS a form of legal immigration status and permanent residency

SIJS Findings	
(1) Child is unmarried alien under 21	- Usual evidence: testimony and birth certificates - Parentage: presumption of parentage from foreign birth certificate, D.C. Code § 16-909(c)
(2) Reunification of Child is not viable with one or both parents due to abuse, neglect, abandonment, or a similar provision under D.C. law	- Apply definitions in D.C. Code § 16-2301, et. al, and caselaw - Abandonment: See <i>J.U. v. J.C.P.C.</i> , 176 A.3d 136 (D.C. 2018) (discussing three options for defining abandonment under D.C. law) - Usual Evidence in DR: Testimony from parties and child
(3) It is not in the child's "best interest" to be returned to his or her, or his or her parents', previous country of nationality or country of last habitual residence.	- Apply D.C. Code § 16-914(a)(3) - Usual Evidence in DR: Testimony from parties and child - Apply best interest factors to compare placements: potential custodians in each placement, any neglect findings of custodians, access to school and other services, etc.
(4) Child has been placed in an individual or entity's custody, OR have been declared	- D.C. has made SIJS findings in DR, NEG, ADA, DEL proceedings.

DC Caselaw	
<ul style="list-style-type: none"> □ <i>In re C.G.H.</i>, 75 A.3d 166 (D.C. 2013) <ul style="list-style-type: none"> □ Legally committing a child to an adoptive parent, even when one biological parent retains parental rights and custody, is sufficient to fulfill the SIJS factor requiring that a "court has legally committed [the child] to, or placed [the child] in the custody of...an individual...appointed by a...juvenile court" □ <i>J.U. v. J.C.P.C.</i>, 176 A.3d 136 (D.C. 2018) <ul style="list-style-type: none"> □ Viable = practical or workable □ "whether reunification is viable due to abandonment [calls] for a realistic look at the facts on the ground in the country of origin and a consideration of the entire history of the relationship between the minor and the parent" [internal citations omitted] □ Discusses three definitions of abandonment in DC law, and that abandonment should be interpreted broadly in the SIJS context 	

DC Caselaw Continued	
<ul style="list-style-type: none"> □ <i>E.P.L. v. J.L.-A.</i>, No. 16-FM-991, 2018 D.C. App. LEXIS 341 (Aug. 9, 2018) <ul style="list-style-type: none"> □ A consent agreement for opposing party to have sole custody does not mitigate abandonment where father repeatedly failed to financially support, exercise right of visitation with, or establish a relationship with his child □ Where the Court has decided a custody placement under the best interest standard with a custodian in D.C., it logically follows that it would not be in the child's best interest to return to their home country (where there is no custodian) □ <i>Del Carmen Benitez v. Doe</i>, No. 16-FM-929, 2018 D.C. App. LEXIS 393 (Sep. 6, 2018) <ul style="list-style-type: none"> □ In SIJS context, distinct from termination of parental rights context, knowledge of parentage is not a requirement for abandonment, similar to the neglect context where lack of knowledge of parentage does not stop a neglect finding 	

Increased Pressure from USCIS

- ❑ Since late 2016, USCIS has been aggressively making changes to their policies, procedures, and methods of evaluating all applications, including SIJS
- ❑ USCIS has increasingly issued:
 - ❑ RFE's (Request for further Evidence) – identifying evidence USCIS wants to consider for the application
 - ❑ NOID's (Notice of Intent to Deny) – identifying reasons for intended denial and last opportunity to fix
- ❑ Strong Advocates carefully craft proposed orders and try to keep up with latest trends – however, because of rapid changes, might have to file Motions to Amend State Court Orders for submission with USCIS
- ❑ As of September 12, 2018 – USCIS's new policy is to just deny cases instead of issuing RFE's and NOID's, except in very limited circumstances

Best Practices for State Court Order

- ❑ Address each SIJS finding individually
- ❑ Issue a separate order for each child
- ❑ **Apply and Cite state law for all findings**
- ❑ For findings of abuse, abandonment and/or neglect:
 - ❑ Separately analyze allegations regarding each parent
 - ❑ Can use facts of A/A/N occurring abroad and/or in the U.S.
- ❑ Best interest of child not to return to country of origin
 - ❑ Articulate factors weighed to determine this, including positive factors in Court's custody placement
- ❑ Articulation of trauma impact on child helpful
- ❑ Connect the dots between the Court's rulings and protection of a child survivor of abuse, neglect, or abandonment

What happens after my Courtroom?

- ❑ Child applies for SIJS with USCIS
- ❑ Attends Immigration Court hearings in Arlington
 - ❑ If child has arrived since 2014, they are most likely in removal proceedings
 - ❑ While Arlington used to terminate cases where children had predicate orders, now because of DHS attorney opposition and appeals, will only terminate once a Visa for Permanent Residency becomes available
 - ❑ Status Docket – scheduling for 2019 and 2020 when awaiting SIJS approval or a visa for LPR

Immigration Consequences of SIJS Findings Against Parents

- Civil Findings of abuse/neglect/abandonment by Family Court Judges
 - While Court is determining viability of reunification, no termination of parental rights required in these cases for SIJS (USCIS Policy Manual, Vol. 6, Part J, Ch. 2, 09/26/2018); see also Del Carmen Benitez v. Doe, No. 16-FM-929, 2018 D.C. App. LEXIS 393 (Sep. 6, 2018).
- Immigration Consequences
 - Have not seen ICE target parents for SIJS findings against them so far
 - ?'s under Penalty of Perjury on applications: Whether applicant has failed to support dependents or has withheld custody of a US citizen child outside of US from a US citizen granted custody
- Arrest for Contempt of Court – ICE priority to detain those arrested or charged; fingerprinting by law enforcement is connected to ICE

Immigrant Litigants in Family Courts

Divorce

Impact of Divorce

- VAWA self-petitioners
 - Must file within two years of final divorce
 - Step-children must file before divorce
- Ends legal immigration status for spouses and children of visa holders:
 - Students, Persons with legal work visas, Diplomats
- Divorce cuts off access to lawful permanent residency for spouses and children of people seeking lawful permanent residency based on:
 - Asylees
 - Employment visa holders
 - Family based visas

Annulment Instead of Divorce

- Annulment can lead to a marriage fraud finding that:
 - Permanently bars approval of any visa petition
 - Is a ground for deportation
 - Can lead to an unfavorable exercise of discretion by an immigration judge not to grant immigration relief
- Impact on
 - Spousal support
 - Property division

Custody

Protecting Immigrant Survivors Protects Children

- ❑ The co-occurrence of DV and child abuse in a household drops significantly (77% to 23%) when immigrant DV survivors receive help
- ❑ Children of help seekers are 20% less likely to have mother's abuser threaten them
- ❑ Children of help seekers are one-third less likely to have abuser threaten to take them away from their mother

Ammar, Orioff, Hass and Dutton, "Children of Battered Immigrant Women: An Assessment of the Cumulative Effects of Violence, Access to Services and Immigrant Status." (September 2004) <http://niwaplibrary.wcl.american.edu/pubs/co-occurrenceofchildabuse/>

Is Immigration Status Relevant to Custody?

- ❑ **Relevant to:** Immigrant crime victim presents evidence of immigration related abuse, power and control suffered
 - ❑ Either not filing or withdrawing immigration papers
 - ❑ Threats to turn victim in for deportation
 - ❑ Part of history of violence
- ❑ **Not relevant to:**
 - ❑ Core primary caretaker determination
 - ❑ Evaluation of parenting skills
 - ❑ Best interests of the child determination
 - ❑ Requirements regarding custody awards to non-abusive parent



ABA Center on Children & The Law

- ❑ "Parties should not be able to raise, and courts should not consider, immigration status of domestic violence victims and their children in civil protection order, custody, divorce or child support proceedings."
- ❑ "Batterers whose victims are immigrant parents use threats of deportation to avoid criminal prosecution for battering and to shift the focus of family court proceedings away from their violent acts...When the judicial system condones these tactics, children suffer."
- ❑ "This ... will ensure that children of immigrant domestic violence victims will benefit from ...laws (like presumptions against awarding custody or unsupervised visitation to batterers) in the same manner as all other children."

Myth vs. Fact: Parents without Legal Immigration Status

Myth

1. Deportation is imminent
2. Parent is likely to flee U.S. with child
3. The parent has no livelihood
4. Legally present parent must have custody in order to file for benefits for child

Fact

1. DHS policies prevent detention/removal of immigrant parents who are crime victims
2. US citizens and lawful permanent residents are more likely to flee with children, especially when
 - There have been threats of kidnapping children
 - They are dual nationals
 - They travel freely to and from U.S.
3. Abused immigrant parents in family court have a path to immigration relief, work authorization & some benefits
4. Custody does not affect parent's ability to file for or gain immigration benefits for his children

Immigrant Parents and Child Custody

- Parents have a Constitutional right to custody (absent unfitness)
 - Applies to all families without regard to:
 - Undocumented immigration status
 - Immigration detention
 - Deportation
 - Overriding presumption that:
 - Parent-child relationship is constitutionally protected
 - In children's best interest to stay with/be reunited with their parent(s)
 - Child's best interests is most important
 - A comparison of natural vs. adoptive parent's cultures, countries or financial means is not to be made
- In re Interest of Angelica L., 277 Neb. 984 (2009)*

Non-Citizen's Access to DC Public Benefits

Accessible Services for all DC Residents Regardless of Status

Public Benefits for ALL DC Residents

- Shelter and transitional housing
- Legal Services
- Weatherization Assistance Program
- Emergency Medicaid
- Health care from community and migrant public health clinics
- Victim services
- Help from food kitchens
- K-12 education

Accessible Services for Aliens with Immigration Status in DC

Food and Housing

- TANF & TANF funded childcare
 - T visa applicants, continued presence (CP), refugees, asylees
 - VAWA self-petitioners eligible + SIJS & U visa if lawful permanent residents eligible. 5 year bar if entered on or after 8/22/96
- Food Stamps
 - T visas (& their children)
 - Under 18 year old children who are VAWA self-petitioners or SIJS/U visa with lawful permanent residency
- Public and Assisted Housing & Vouchers
 - T visas (& their children)
 - VAWA self-petitioner (& children)

Health Insurance and Driver's Licenses

- CHIP and Medicaid subsidies
 - T visas, refugees, asylees, CP (& their children) – 7 year limitation
 - VAWA self-petitioner (& children), SIJS applicant children, and wait-list approved U visa applicants and lawful permanent residents
 - Pregnant women receive health care without regard to immigration status
- DC Health Care Alliance
 - provides health care to income eligible persons without regard to immigration status
- Driver's license
 - Limited purpose driver's license to any person
 - Federally recognized driver's license
 - U/T visa, asylees, refugee, any unexpired visa, work authorization

Education, Bills, and Disability

- Educational Grants/Loans (FAFSA)
 - T visas, VAWA self-petitioners (& their children)
 - SIJS children, U visas after lawful permanent residency
- In-state tuition and state financial aid regardless of immigration status
 - For students who attended high school in DC for 3 years + graduation or GED,
- SSI
 - T visas, VAWA self-petitioners if lawfully residing on 8/22/96 and blind or disabled. Other lawful permanent residents 5 year bar + 40 quarters
- LIHEAP
 - VAWA self-petitioners, T visa, CP, refugees, asylees, SIJS/U with lawful permanent residency

How Immigration Backlogs Affect Services in D.C.

Case Type	Asylum	SIJ-based adjustment to Legal Permanent Residency (LPR)
Approximate Time from Application to Resolution	Defensive Cases: 2-4 years at Arlington Immigration Court (colloquial from KIND) Affirmative Cases: AO + Court Arlington Asylum Office Priority scheduled case: 6-18 mo. Backlogged case: 4+ years (colloquial from KIND)	About 4-5 years total SIJS Application to LPR Application: 2-4 years LPR application – 18 months
When eligible for benefits requiring status	Once Asylum is Granted	SIJS applicant children – CHIP Other benefits once LPR status is granted depending age and benefits program **SIJS is NOT legal status
When eligible to get work authorization	Apply after 120 days after asylum application submitted Get in 1-2 months after application	Once LPR application is pending Receive about 6-8 months after application

Backlogs Continued in D.C.

Case Type	T visa	U Visa
Approximate Time from Application to Resolution	12-15.5 months (USCIS website)	4 years to wait list approval for qualifying victim (longer than stated in USCIS website) 11+ years to receipt of the U visa – due to statutory annual cap
When eligible for benefits requiring status	Once HHS approves a OTIP Certification Letter, can be done based on continued presence or T visa application with bona fide determination	CHIP/Medicaid – at wait-list approval with Deferred Action All else see D.C. Benefits eligibility chart http://hiwapllibrary.wcl.american.edu/pubs/washington-d-c-benefits/
When eligible to get work authorization	Once T Visa is bona fide determination and OTIP certification is received	About 4 years after filing with wait list approval and deferred action.

Any Questions?

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