

Louisiana District Attorneys Association

Legal Rights of Immigrant Survivors: Public Benefits, Housing, & Victim Services

May 27, 2021

WEBINAR

NIWAP

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



Introductions



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NIWAP

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

Texas Council On
FAMILY VIOLENCE

Over Thirty Years of Building a Safer Texas



Learning Objectives

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

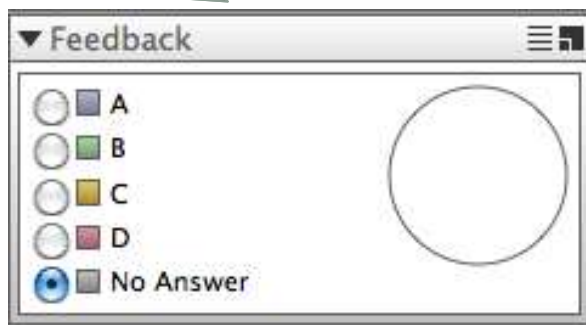
- Be familiar with the full range of protections immigrant survivors are legally eligible to access
- Know how to assist immigrant and refugee survivors accessing housing, public benefits, legal service and justice system help in a trauma informed manner

Training Page and Supplemental Materials

- Legal Rights of Domestic and Sexual Violence Survivors: Victim Services, Public Benefits, and Housing on our Web library <https://niwaplibrary.wcl.american.edu/ccaw-21-legal-rights>

Who Has Joined Us on This Webinar?

Answer on
the left



- A. Judge
- B. Court/Judicial Education Staff
- C. Attorney
- D. Victim Advocate
- E. Other

Other write
in chat box



Language Access in Cases Involving Limited English Proficient Survivors

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

Who's covered?

1. Federally conducted programs
2. State/local government grantees
3. Non-governmental organization grantees



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)

Poll



Title VI only covers the recipient's program or activity that is federally funded?



- ✓ Title VI covers a recipient's entire program or activity -even if only one part of the recipient receives the federal assistance
- ✓ Sub-recipients are also covered
- ✓ Includes- grants, training, use of equipment, donations of surplus property, and other assistance

Language Access and the Courts



DOJ LEP Directive to State Courts on Federal Civil Rights Requirements (8/20/2010) - Interpreters

- LEP individuals are to be provided qualified interpreters
 - For all parties, defendants and witnesses and all persons whose presence is necessary or appropriate (e.g., parents of minor crime victims)
 - In ALL court room proceedings whether civil, criminal, administrative, includes motions and status hearings
 - LEP individuals should not incur any fees for these services

DOJ LEP Directive to State Courts on Federal Civil Rights Requirements (8/20/2010) - Interpreters

- LEP individuals are to be provided qualified interpreters
 - Not restricted to court rooms, also other court functions including:
 - Clerks offices, records room
 - Alternative dispute resolution
 - *Pro se* clinics
 - All interactions with court appointed personnel (e.g. batterers treatment, guardians ad litem, court psychologists, testing)

ADDITIONAL RESOURCES FOR LANGUAGE ACCESS

- ❑ WWW.LEP.GOV/STATE-COURTS
- ❑ DOJ POST: [WORKING WITH STATE COURTS TO REMOVE LANGUAGE BARRIERS TO JUSTICE \(06/12\)](#)
- ❑ [Louisiana's Language Access Plan](#)
from 2020

Considerations

- Separating parties
- Use of two interpreters
- Is the abuser threatening in a different language or making intimidating gestures?
- Different dialects, from different regions
- Consider cultural differences (ex. matriarchal vs. patriarchal)
- Be aware of the perception of an implicit bias
- Online translating service is not best practice
- Sharing resources

Brief Overview of Language Access and Law Enforcement

DOJ Model Guidance



- Police provide free language access to:
 - LEP persons who request it
 - *When officer decides it is helpful to the criminal investigation or prosecution*
- Police will inform members of the public that language assistance is available free of charge
- Language access provided in persons primary language

DOJ Sample Policy Center City Police Department

DOJ and Exigent Circumstances

- Use the most reliable *temporary* interpreter available to address exigent circumstances
 - Fleeing suspect
 - Weapons
 - Life threatening to the officer /victim/or public

DOJ Requirements for Investigations & Interrogations



- “A qualified interpreter shall be used for any interrogation or taking of a formal statement where the suspect or witness’ legal rights could be adversely impacted”
 - Criminal interrogations
 - Crime witness interviews
- Vital written materials translated into primary language
 - Miranda warnings

The Difference Between --

- Securing the scene
- Interviewing victims and witnesses

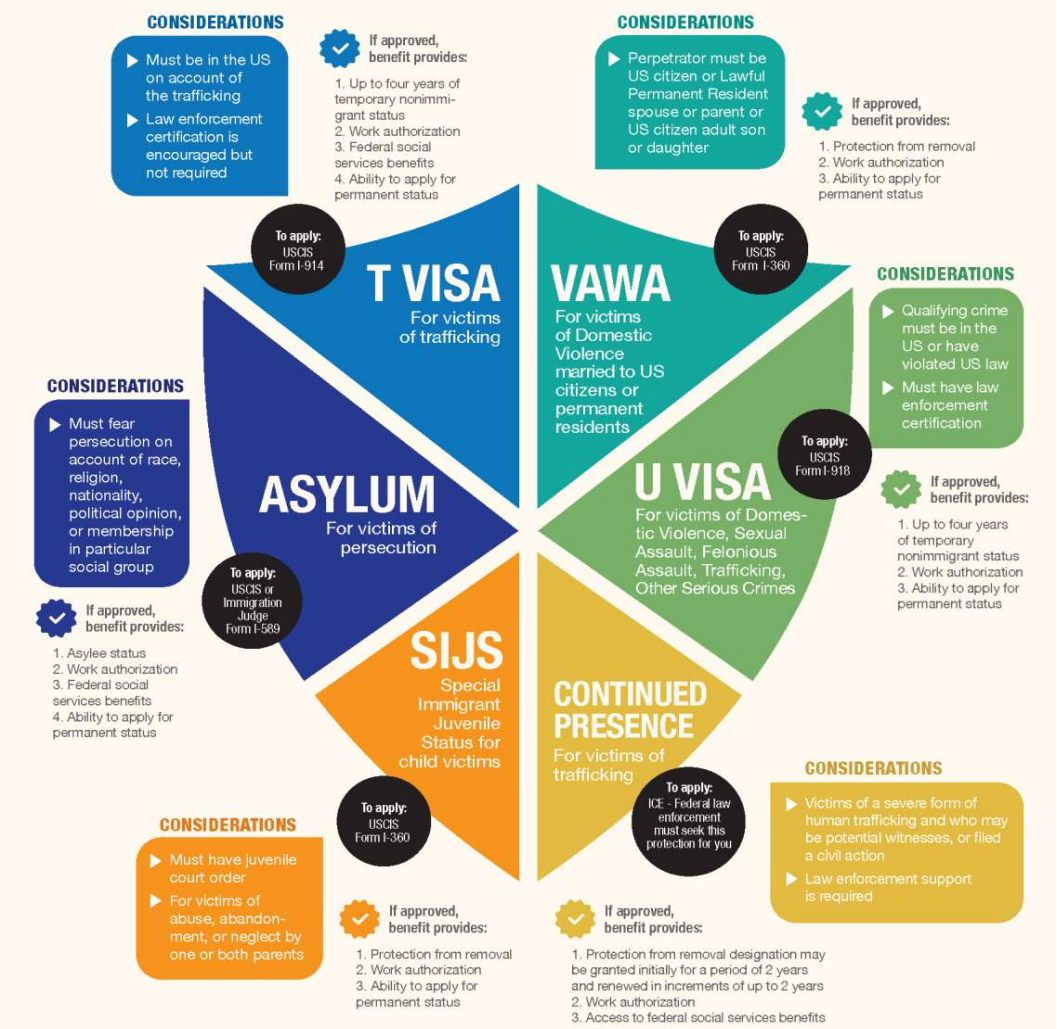


Immigration Options for Immigrant Survivors and Their Children: Screening

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**

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 = 4-8 years(2020)**

T Visa for Trafficking Survivors

- 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)**

Continued Presence

- Temporary immigration status provided to victims of trafficking who are “sponsored” by federal law enforcement
- Law enforcement meant to initiate application immediately after identifying victim; cooperation is not required
- Upon approval, Dept. of Health and Human Services:
 - Allows victim to access federal and state benefits
 - Work authorization
 - Cooperation is required to access these benefits

Deferred Action

- Law enforcement must request from USCIS
- Discretionary
- Delays any deportation proceedings
- Does not provide any benefits
- Does not guarantee any immigration relief
- Provides USCIS with victim's personal information
- Should not be used when you have identified that the person you are working with is a victim of trafficking

The Facts about Continued Presence

Fact CP applications should be submitted immediately upon identification of a victim regardless of whether or not the victim has cooperated. In some cases, due to the nature of trafficking crimes, victims are too traumatized to cooperate at the outset of an investigation; however, this should not preclude the submission of a CP application.

Fact CP applications can be approved with an uncorroborated victim statement. A victim's statement alone is sufficient as long as the law enforcement official finds it credible under the circumstances.

Fact CP approval is not dependant on the case being accepted for prosecution. A victim must only be a potential witness to the human trafficking crime.

Fact CP approval is not dependant on human trafficking charges being brought. CP is available to all trafficking victims even if a human trafficking violation is not charged or if charges are never brought.

Fact Deferred action should never be used in place of CP. Deferred action is a form of prosecutorial discretion, such as not placing an individual in removal proceedings, and is done as an act of administrative convenience to the government. It precludes a victim from receiving TVPA benefits and services.

Fact CP does not require that the victim has suffered a violent form of human trafficking. Human traffickers may employ a range of non-violent forms of coercion to hold victims against their will such as threats of deportation, document control and psychological coercion.

Fact CP is initially granted for one year and may be renewed in one-year increments. CP renewals are submitted by the federal law enforcement official and evaluated by their agency on a case-by-case basis.

Fact CP can be revoked. If it is later determined that the individual is not a victim of human trafficking and/or is no longer a potential witness, CP can be revoked.

Fact CP is not a guarantee of a long-term form of immigration status. Receipt of CP does not guarantee that USCIS will favorably adjudicate other long-term immigration status applications.

Fact CP recipients are permitted to travel domestically and may have their family members join them in the U.S. At the discretion of the federal law enforcement official and their agency, a victim may be granted authorization to have their family member enter the U.S. to join them.

Long-Term Immigration Status

Victims may qualify for other forms of immigration benefits depending on their unique circumstances. Law enforcement officials are encouraged to work with the local ICE victim assistance coordinator to obtain referrals to non-governmental victim service providers. These providers may offer a variety of services to assist crime victims such as immigration legal assistance, crisis intervention, counseling, medical care, housing, job skills training and case management.

Trafficking victims are eligible to self-petition to USCIS for T and U nonimmigrant status which permits them to remain in the U.S. for up to four years and can lead to lawful permanent residence. These applications may require a law enforcement certification. Federal, state and local law enforcement should, upon request, provide law enforcement certifications for human trafficking victims. USCIS will complete a comprehensive review of these applications prior to adjudication.

Important Numbers

ICE Law Enforcement Parole Branch:
202-732-8164 (law enforcement only)

ICE Headquarters Victim Assistance:
866-872-4973 or victimassistance.ice@dhs.gov

For human trafficking-related policy issues, please contact the ICE Headquarters Human Smuggling and Trafficking Unit at:
ICEHumanTrafficking.helpdesk@dhs.gov



Homeland
Security
Blue Campaign

Report Suspicious Activity:
1-866-DHS-2-ICE (1-866-347-2423)
www.dhs.gov/humantrafficking

08/2010



Continued Presence

Temporary Immigration Status for Victims of Human Trafficking



U.S. Immigration
and Customs
Enforcement

Protections for Abused Children and Family Members

- VAWA self petitioner = Abused Child, Parent of abused child, Abused parent
 - Family included: applicants' children and an under 21 year old child can include their parent
- U and T visa applicant = Child victim or their parent
 - Family included:
 - Under 21: spouse, children, parents, unmarried siblings under 18
 - Over 21: spouse and children
- Special Immigrant Juvenile Status = child victim
 - Family included: **None**

Immigrant Adult and Child Survivors Who File for Immigration Relief Receive

- Protection from deportation
- VAWA confidentiality protection upon filing VAWA, T or U visa case
- Legal work authorization and access to drivers' licenses upon
 - Approval or wait list approval
- Access to some federal and state public benefits
 - Varies by immigration case type, state, and benefit

VAWA CONFIDENTIALITY PROTECTIONS



Have you worked with immigrant survivors who have received ...

- Threats of deportation from perpetrators
- Been contacted by immigration enforcement officials
- Both?

VAWA Confidentiality Prongs

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 (and their family members)

Location Prohibitions:

- Locational prohibitions to enforcement unless there is compliance with specific statutory and policy safeguards

Non-Disclosure:

- Unless one of the enumerated exceptions apply, DHS, DOJ and the State Department cannot disclose VAWA information to anyone

Timing of VAWA Confidentiality Protections

Non-Disclosure

Protects victims **who have filed** a protected case with DHS

- *VAWA self-petitions
- *Battered spouse waiver
- *VAWA Cancellation/Suspension
- *U and T Visas
- *Abused Spouses of work visa holders work authorization applications

Abuser-Provided Information Prohibition

Includes family members of abusers, crime perpetrators and their agents

Protects:

- ***All victims abused by spouse or parent**
- *All victims in the process of applying for U or T visas

Location Prohibitions

Protects:

All Victims

Requires:

No action at protected locations
OR
Notice to Appear must state how they complied with VAWA confidentiality

Violation = \$5,000 fine and/or disciplinary action

Victims “Red Flagged”



- Department of Homeland Security (DHS) computer system “red flags” victims who have filed for, or have been granted victim-based immigration relief
- Reminds DHS staff of legal obligation not to rely on “tips” from perpetrators regarding victims of
 - Domestic violence, sexual assault, stalking, human trafficking
- Immigration case brought against a victim can be dismissed for VAWA confidentiality violation
 - 8 U.S.C. 1367
- Practice tip: Victims should carry a signed certification form with them at all times

Adverse Actions Include Using Perpetrator Provided Information To...

- Deny a victims immigration case
- Detain a survivor
- Deport a survivor
- Initiate an immigration enforcement action against a survivor
- Seek out and question a survivor

Can Survivors Be Protected Prior to Filing a VAWA Confidentiality Protected Immigration Case?

- If victim shows evidence that they are in the process of filing a
 - U visa, T visa or VAWA case VAWA confidentiality is triggered and applies
- Evidence might include
 - A letter from an attorney/advocate stating that they are in the process of applying for a VAWA, T or U visa case
 - A copy of a certification
 - A protection order

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



Locational Prohibitions

- Enforcement actions at VAWA Confidentiality protected sensitive locations actions are not to be taken:
 - “[A]bsent clear evidence that the alien is not entitled to victim-based benefits”
 - Actions taken must “be handled properly given that they may ultimately benefit from VAWA’s provisions”
 - Officers are to follow a specific process aimed at protecting victims that includes obtaining advance permission from a supervisor or ICE general counsel for enforcement actions at statutorily protected sensitive locations
- John P. Torres and Marcy Forman, Interim Guidance Relating to Officer Procedure Following the Enactment of VAWA 2005 (January 22, 2007)

Sensitive Locations

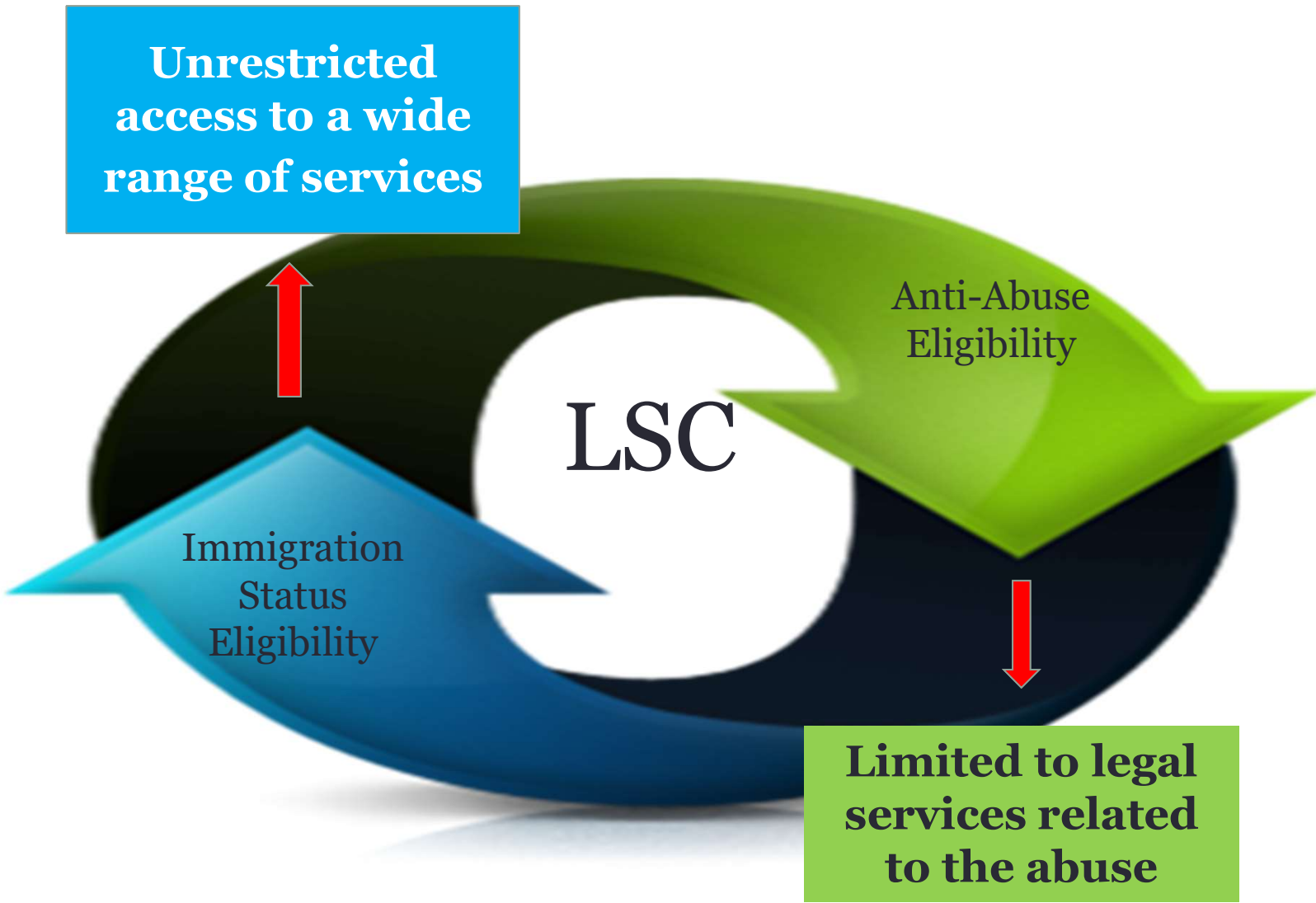
- Enforcement actions by ICE and CBP are not to occur or be focused at sensitive locations:
 - Schools
 - Medical treatment and health care facilities
 - Places of worship
 - Religious or civil ceremonies, e.g. weddings, funerals
 - During a public demonstration, e.g., march, rally, parade

New Courthouse Guidance for ICE and CBP

- Civil immigration enforcement action may be taken in or near a courthouse only in certain limited instances, including the following:
 - it involves a national security matter;
 - there is an imminent risk of death, violence, or physical harm to any person;
 - it involves hot pursuit of an individual who poses a threat to public safety; or
 - there is an imminent risk of destruction of evidence material to a criminal case

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



Legal Services “Related to the Abuse”

- Legal services needed to:
 - Escape from the abusive situation;
 - Ameliorate the current effects of the abuse, or
 - Protect against future abuse: and

“..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)

Examples of Abuse Related Type of Legal Assistance

- Immigration relief applications
- Obtaining, renewing, and enforcing protective orders
- Securing child custody orders so that a parent and children can legally and safely leave the abusive spouse and/or parent
- Providing other legal services in matters related to separation and divorce proceedings such as employment, financial, and housing problems

Louisiana Legal Services

- Legal Aids (LSC funded):
 - [Acadiana Legal Services Corporation](#)
 - [Southeast Louisiana Legal Services](#)
- Immigration Legal Services:
 - [Non-profit Immigration Legal Services](#)
- Online legal information
 - [Louisiana Law Help](#)

Access to Public Programs, Services and Assistance

KD5

Slide 52

KD5

I edited this as we address the legal services above.

Krista DeGallo, 4/27/2021

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

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

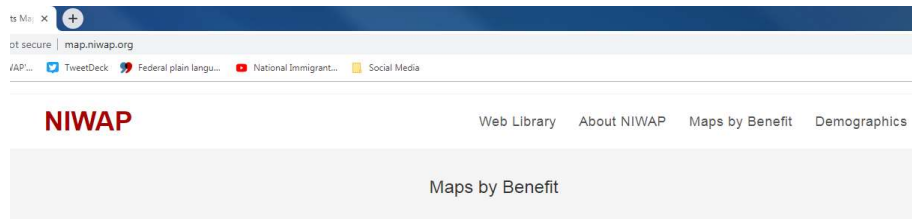
- Child and adult protection services
- Crisis counseling and intervention
- Violence and abuse prevention
- Victim assistance
- Treatment of mental illness or substance abuse
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Shelter & transitional housing assistance
-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



When children qualify and their parents do not:

- If a child qualifies for benefits as a U.S. 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



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.

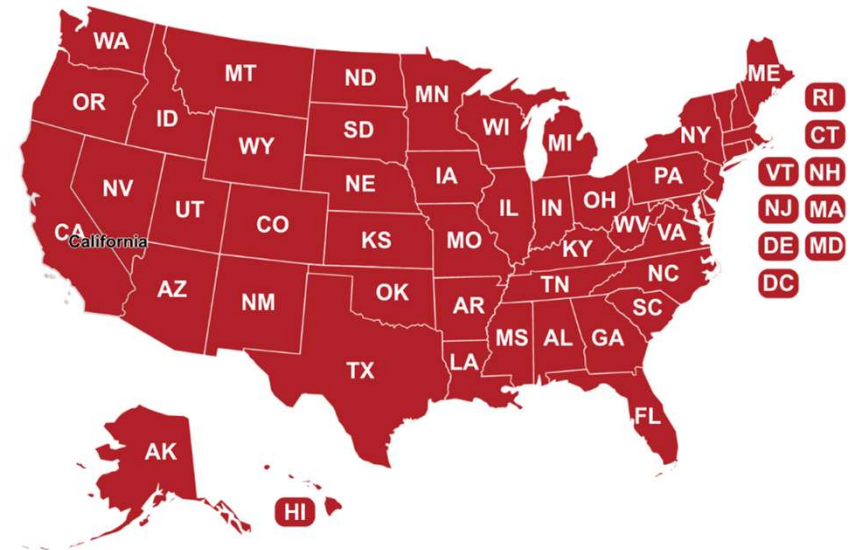
[Go to Map](#)



Earned Income Tax Credit



Emergency Housing & Safety Programs



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

Click here for your state's detailed chart

NIWAP

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

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)

| PROGRAM | VAWA Self Petitioner | U VISA APPLICANTS | | T VISA (Bona Fide or Continued Presence) | Refugee and Asylee | Undocumented | SIJS | DACA |
|--|--|-------------------------------------|---|---|---------------------------|-------------------------------------|--|-------------------------------------|
| | | Petition Filed | Wait List upon Approval | | | | | |
| CASH & Nutrition ASSISTANCE, and Childcare | | | | | | | | |
| Supplemental Security Income (SSI) | Eligible with prima facie determination if received SSI on August 22, 1996 or lawfully residing in the U.S. as of that date and is now disabled. | Not eligible. | Eligible with conditions upon becoming a lawful permanent resident if they arrived <i>before</i> August 22, 1996. | Eligible with conditions if they arrived <i>before</i> August 22, 1996. | Eligible with conditions. | Not eligible. | Eligible with conditions. | Not eligible. |
| Temporary Cash Assistance (TCA) (Known as TANF federally) | Eligible if they arrived <i>before</i> August 22, 1996. Still eligible, with conditions, if arrived <i>on or after</i> August 22, 1996. | Not eligible. | Eligible with conditions. | Eligible. | Eligible. | Not eligible. | Eligible with conditions upon receiving lawful permanent residency. | Not eligible. |
| Child Care and Development Fund (CCDF) | Eligible. | Eligible for limited CCDF coverage. | Eligible for limited CCDF coverage. Eligible for full CCDF coverage with conditions once they become a lawful permanent resident. | Eligible. | Eligible. | Eligible for limited CCDF coverage. | Eligible for limited CCDF coverage. Upon lawful permanent residency, eligible for full CCDF with conditions. | Eligible for limited CCDF coverage. |
| Supplemental Nutrition | Eligible with conditions. | Not eligible. | Eligible with conditions | Eligible with conditions. | Eligible. | Not eligible. | Eligible with conditions | Not eligible. |

Benefits in Louisiana

- Post Secondary Educational Grants and Loans - Federal
 - VAWA self-petitioners
 - Continued presence, T visa bona fide
 - U visa and SIJS with lawful permanent residency
- Louisiana Taylor Opportunity Program for Students
 - USCIS documentation *+ present in the U.S. for other than a temporary purpose, with the intention of becoming a citizen or a permanent resident*
 - Should qualify: VAWA self-petitioners, T visa bona fide, SIJS recipients, U visa holders
 - In state tuition
 - Varies by institution may require lawful permanent residency

Benefits in Louisiana

- TANF
 - Continued Presence (CP), T visa bona-fide
 - Pre-Aug 26, 1996 entry into US or 5 year bar
 - VAWA self-petitioners,
 - U visa and SIJS lawful permanent residents (LPRs)
- Child care
 - TANF same as above
 - Child Care Development Fund – no restrictions
- SNAP
 - Continued presence, T visa bona-fide
 - 5 year bar unless children, disabled or elderly
 - VAWA self-petitioners, U visa or SIJS LPRs

Benefits in Louisiana

- Health Care
 - Exchanges: VAWA, CP, T visa, U visa waitlist, SIJS applicants
 - CHIP *lawfully residing children until 21*
 - VAWAs, CP, T visa, U visa waitlist, SIJS applicants
 - Prenatal care for those ineligible for Medicaid due to citizenship status
 - Full scope adult Medicaid –
 - Refugees, asylees, CP, T visa bona-fide
 - 5 year bar except pre-8/22/96 entries
 - VAWA self-petitioners
 - Lawful permanent residents including U visas and SIJS

Benefits in Louisiana

- SSI (most limited):
 - Continued presence, T visa bona-fide
 - Lawful permanent residency + 5 year bar + 40 quarters of work credit:
 - VAWAs, U visas and SIJS
- Driver's License
 - Federally recognized – work authorization
 - VAWA approved, T visa bona fide, CP, U visa waitlist, SIJS –LPRs, DACA
- Housing
 - Shelter & Transitional – all victims + homeless + abused children
 - Public and Assisted:
 - VAWA applicants, CP, T visas, U visa & SIJS – LPRs

Benefits in Louisiana

- 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, U visa & SIJS-LPRs
 - US Small Business Administrations Loans: VAWA, T visa, CP
 - Disaster Unemployment Assistance: VAWA, T visa, CP, U visa & SIJS-LPRs
 - Emergency Food Stamps: T visa, CP, U visa & SIJS-LPRs (after 40 quarters of work credit)

Importance of Accompanying Immigrants in Applying for Public Benefits

- Help educate state benefits workers
- Accompanying immigrant applicants helps
 - Children and victims get what they are legally entitled to access
 - Helps undocumented parents file for benefits for their citizen or LPR children
 - State welfare worker reporting requirements

Be Prepared: What you should take with you to a public benefits agency

Copy of the state/federal benefits statute

DHS documents showing how a survivor is eligible

Relevant state/federal policies

Proof of Victimization



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

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

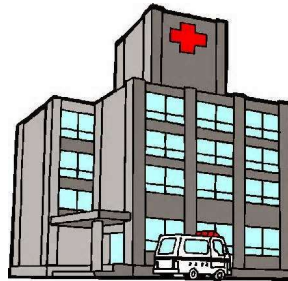
Step 3: Select “Find out more about Hill-Burton...”

Step 4: Select “Hill-Burton Obligated Facilities”



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



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



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
- Antidiscrimination Laws – Equal Housing Opportunity

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)

Common Criteria

- Residence in the city/county
- Homelessness/at risk of homelessness
- Employment/self-sufficiency criteria
- Cannot be an active substance abuser
- No sex offender criminal record

With Good Victim Advocacy --

- Many/Most immigrant survivors can prove
 - They are on a path to self-sufficiency
 - They have resided in the jurisdiction
 - They are at risk of homelessness
 - Lack of active substance abuse
 - Lack of criminal history

Evidence of Self-Sufficiency

- Evidence of employment
 - Documentation of income from employment
 - Tax ID number
 - Employer's statement court form
 - Letter from employer with photo attached
- Evidence of other income
 - Child support, benefits citizen/lawful permanent resident children receive
- Evidence that taking steps toward employment
 - Filed VAWA self-petition, U visa, taking ESL classes

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

Access To Benefits And Services Grows As Children And Survivors Pursue Immigration Relief



Immigrants Exempt From Public Charge

- Survivors and Crime Victims
 - VAWA, T visas and U visas exempted
 - SIJS children
- Refugees
- Asylees
- DACA
- Certain visa holders
- Most Lawful Permanent Residents

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

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 “Qualified Immigrants” and Eligible for Benefits ?

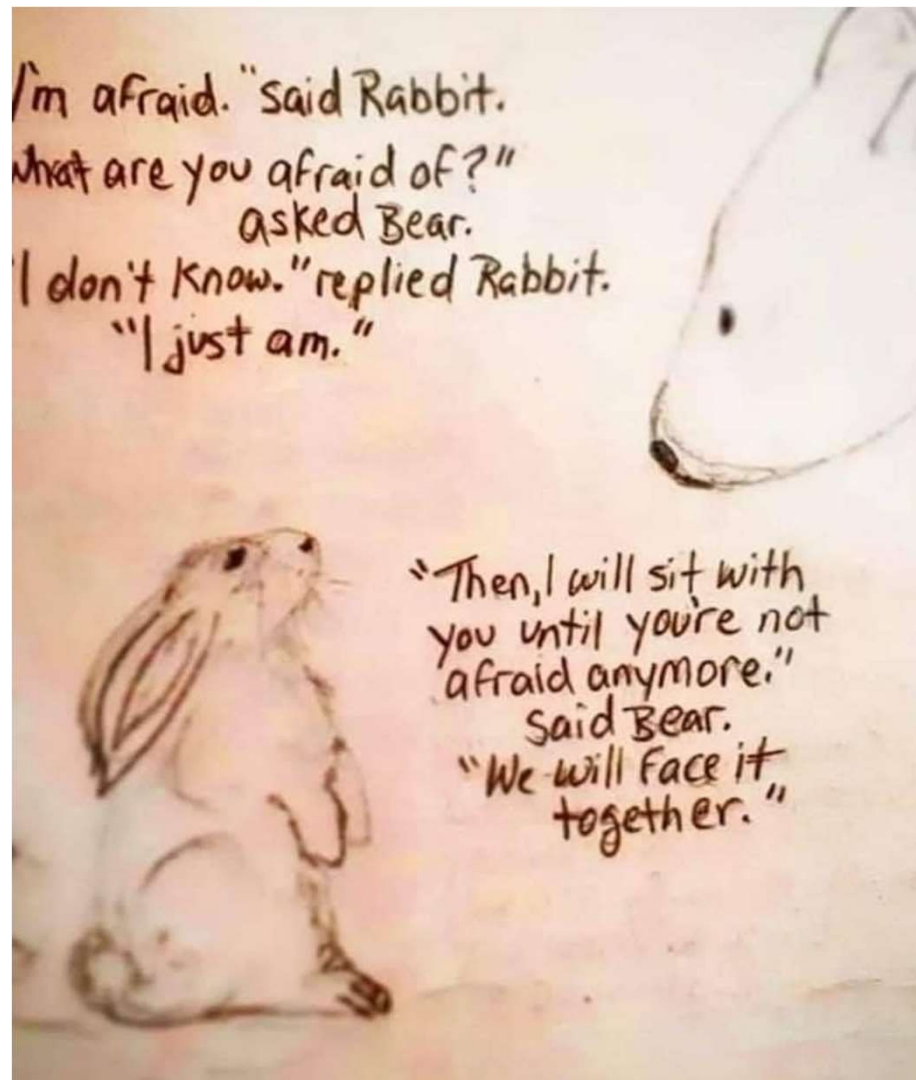
- Family-based immigration cases
 - VAWA - Prima facie determination or approval of VAWA self-petition or VAWA suspension/cancellation
 - Approved visa petition filed by an abusive spouse or parent
- Trafficking victims
 - Bona fide determination in a T visa case
 - Approved T visa
 - Continued Presence
- 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 persons with disabilities
- 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
- Benefits for persons with disabilities
- Assistance to person with developmental disabilities
- Social services block grant programs

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”



NIWAP Web library

niwaplibrary.wcl.american.edu



Interactive Public Benefits Map

to Mo: X +
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

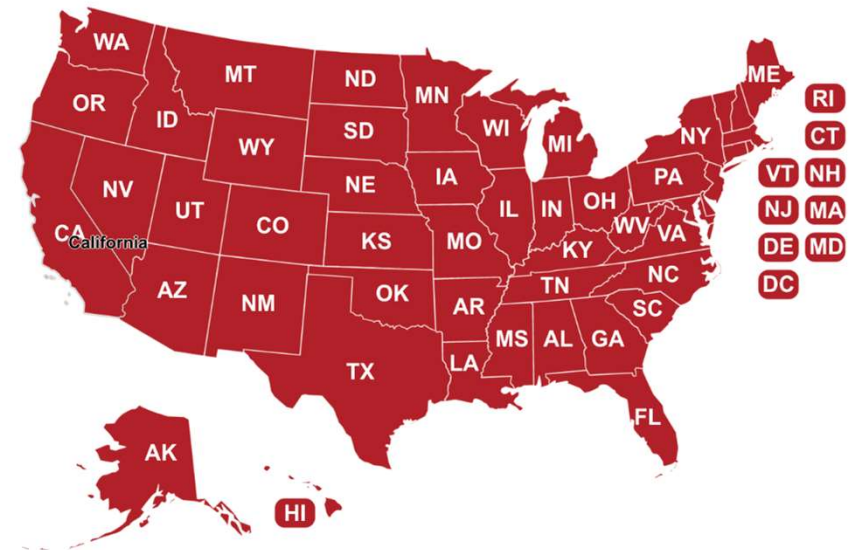
Web Library About NIWAP Maps by Benefit Demogr

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/>

NIWAP

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

Community of Practice Advocate Outreach

Opportunity for Victim Advocates/Victim Witness Staff

- One-hour interactive convenings where advocates will learn best practices from colleagues and other subject matter experts
- Access to a password-protected website with additional materials only for COP members
- Register here:
<https://www.surveymonkey.com/r/BBHR3X3>

TCFV

- Reach out to the TCFV!
www.tcfv.org
512.794.1133
- Workers Supporting Immigrant Survivors
FB Group
- Krista Del Gallo
kdelgallo@tcfv.org

Technical Assistance and Materials

- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu