NIWAP

AMERICAN UNIVERSITY WASHINGTON COLLEGE of LAW

Best Practices and Tools for Child Welfare Professionals to Support Immigrant Child Victims

Training for Maryland Child Welfare Staff in Washington, Garrett, Allegany, Frederick, and Carroll Counties

Hagerstown, Maryland
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Faculty



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Who is in the audience?

- Type of professional
- What questions do you want answers to by the end of the session today?

Learning Objectives

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

- Identify immigrant children & family members who qualify for victim-based forms of immigration relief and provide timely appropriate referrals
- Implement Child Protective Services agency practices that result in children and family members applying for immigration relief receiving U and T visa certifications and judicial determinations needed for Special Immigrant Juvenile Status applications
- Meet requirements of Maryland's law on U Visa certifications
- Identify public benefits & services that immigrant child survivors & protective parents are eligible to receive in Maryland.

NIWAP Resources

- NIWAP Web library
  - Directory
  - Public Benefits Interactive Map & Demographics
  - Materials: Bench cards, toolkits, training tools, legal research, multi-lingual outreach materials
- Technical Assistance
  - Cases, policies, strategies
  - Email, phone, zoom
- Trainings and Webinars
  - On-line, virtual, in-person
  - Customized
- Communities of Practice
  - Government agency staff:
    - Child protective services, law enforcement, prosecutors
  - Victim advocates, family lawyers, National Judicial Network



Technical Assistance Topics

- Legal immigration remedies
  - VAWA, U and T visas, Battered Spouse Waiver, Special Immigrant Juvenile Status (SIJS), and Naturalization for Survivors
- Government agency's roles – Screening, assistance and referral for eligible victims, U and T visa certification, SIJS court orders
- Prosecution strategies
  - Discovery, immigrant victim case strategies, and Expert Witness
- VAWA Confidentiality protections
- Issues that arise for immigrant survivors in family court cases
  - Including child welfare, protection orders, custody, divorce, support
- Qualified immigrants and public benefits, services, and legal assistance
  - E.g. housing, healthcare, driver's licenses, education, SNAP, TANF
- Providing trauma informed, culturally aware, child-centered assistance to immigrant and Limited English Proficient survivors and children

Join a NIWAP Community of Practice

- Roundtable for Law enforcement, prosecutors, CPS and other gov't agency staff
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial officials only)
- Family Law Attorneys COP
- Victim Advocates COP



Child Abuse Domestic Violence Dynamics and Danger Assessment in Mixed Immigrant Status Families

Poll #1: What Types of Cases Are You Seeing? Cases Involving ... (Raise Your Hand)



A. Child abuse only
B. Domestic violence & child abuse in same family
C. Step-parent abuse of child
D. Extended family abuse of child
E. Other

Protecting Immigrant Mothers Protects Children

- Immigrant victims who receive help, including immigration relief, child abuse likelihood drops significantly (77% to 23%).
- Children of help seekers 20% less likely to have abuser threaten them
- 33% less likely to have abuser threaten to take the children way from their mother

Ammar, Orloff, 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-occurencedvchildabuse/

Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
  - Lifetime as high as 49.8%
  - Those married to citizens and lawful permanent residents – 50.8%
  - U.S. citizen spouse/former spouse abuse rate rises to 59.5%
- Almost twice times the national average

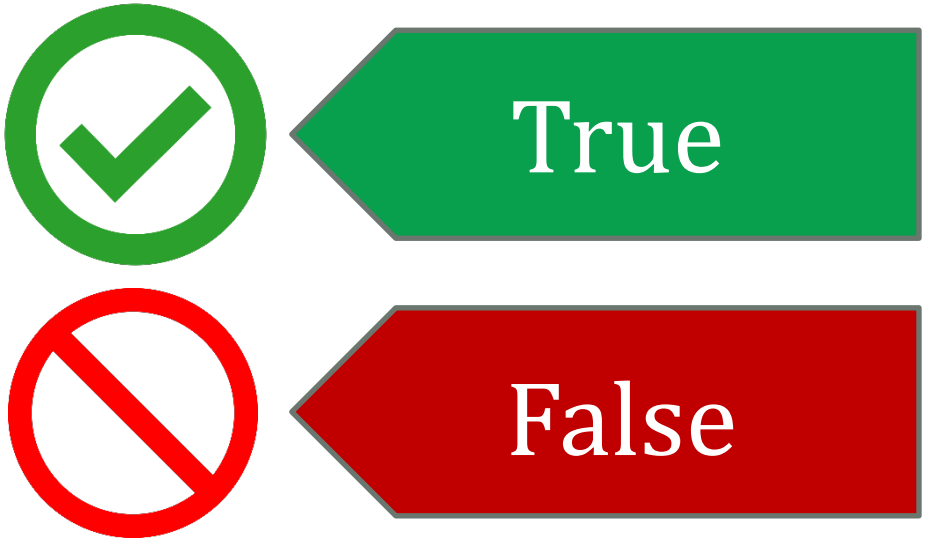
Hass, G. A., Ammar, N., Orloff, L. (2006). Battered Immigrants and U.S. Citizen Spouses

Department of Homeland Security Training Video



Poll #2: Myths and Realities

In over 70% of abusive marriages U.S. citizen and lawful permanent resident husbands refuse to file or withdraw immigration papers they filed to sponsor their abused immigrant spouse for lawful permanent residency.



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)

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)

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).

Lethality/Dangerousness Assessments

Risk factors for DV Homicide of an Adult: The Danger Assessment

- **Past domestic violence (esp. increasing) (3 vs *1*)**
- **Recent separation (in past year) (3 vs *5*)**
- Threats to kill (4 vs *3*)
- Violently/constantly jealous (4 vs *1*)
- **Choking/strangulation (esp. to blackout/dizziness) (4 vs *1*)**
- **Use or threatened use of weapon (2 vs 3)**
- **Forced sex (2)**
- Threats to harm children (2 vs *1*)
- Child known not to be the abusive person's (2)
- **Access to a firearm (1 vs *5*)**
- Avoidance of arrest for DV (1 vs 3)
- Alcoholic/problem drinker (1)
- **Abuse during pregnancy (1)**
- Threats or attempted suicide (1)
- Victim's belief that person is capable of killing them (sometimes under-estimated, not over-estimated) (1)
- **Spying, leaving threating notes, destruction of property, unwanted contact/calls—stalking (1)**
- **Legend**
  - (Immigrant victims vs All victims)
  - 1 number: same all victims/immigrants
  - Above factors appear on both danger assessments
  - **Bold: DV Homicide of an Adult 2020 Meta-Analysis**

Factors Only In The DA-I (Immigrants)

- No children with the abuser (5)
- No children living with you in your home (4)
- Do you feel ashamed of things he does to you (4)
- Threats of deportation or turn victim into CPS or other authorities (2)
- Prevent you from school, job, learning English (2)
- Are you married to him (2)
- Was your partner born in the U.S. (2)
- Do you hide truth from others because you are afraid of him (1)
- Are you unemployed (1)
- Have you attended college, vocational school, graduate school (1)

Lethality Risks for Children

- Essentially identical for abused parent and child
  - Comparing the Danger Assessment, the Ontario Domestic Assault Risk Assessment (ODARA), and Brief Spousal Assault Form for the Evaluation of Risk (B-SAFER)
- Research indicates two particular child lethality factors
  - Prior threats to harm children
  - "intimate relationship problems" …the "person being unable to establish or maintain a long- term intimate relationship as indicated by a separation and extreme conflict regarding relationship status and any intimate relationship problems that result from domestic violence."
- Additional risk factors for children
  - History of suicidal behavior by the parent who is abusive
  - Prior rape of the intimate partner victim
  - Presence of a non-biological child of the perpetrator living in the home
  - Job stressors related to the partner who is abusive

Olszowy et al., "Effectiveness of Risk Assessment Tools in Differentiating Child Homicides From Other Domestic Homicide Cases," Journal of Child Custody, (2013) 10:2, 185-206.

Adult and Child Homicide Dangerousness Factors

- **Past domestic violence (esp. increasing) (3 vs *1*)**
- **Access to a firearm**
- **Recent separation (within past year) (3 vs *5*)**
- *Unemployment (esp. not seeking work)*
- **Use or threatened use of weapon (2 vs *3*)**
- Threats to kill (4 vs *3*)
- Avoidance of arrest for DV (1 vs *3*)
- Child known not to be the abusive person's (2)
- **Forced sex (2)**
- **Choking/strangulation (esp. to blackout/dizziness) (3 vs *1*)**
- *Use of illegal drugs*
- Alcoholic/problem drinker (1)
- *Control of daily activities*
- Violently/constantly jealous (4 vs *1*)
- **Abuse during pregnancy (1)**
- Threats or attempted suicide (1)
- Threats to harm children (2 vs *1*)
- Victim's belief that person is capable of killing them (1)
- **Spying, leaving threating notes, destruction of property, unwanted contact/calls—stalking (1)**
- *Victim threats or attempts of suicide*

Why Congress Included Legal Immigration Relief in the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA)

Poll #3: Why did Congress Create Special Immigration Protections For Victims of Crime and Abuse

(Raise Your Hand for all that apply)



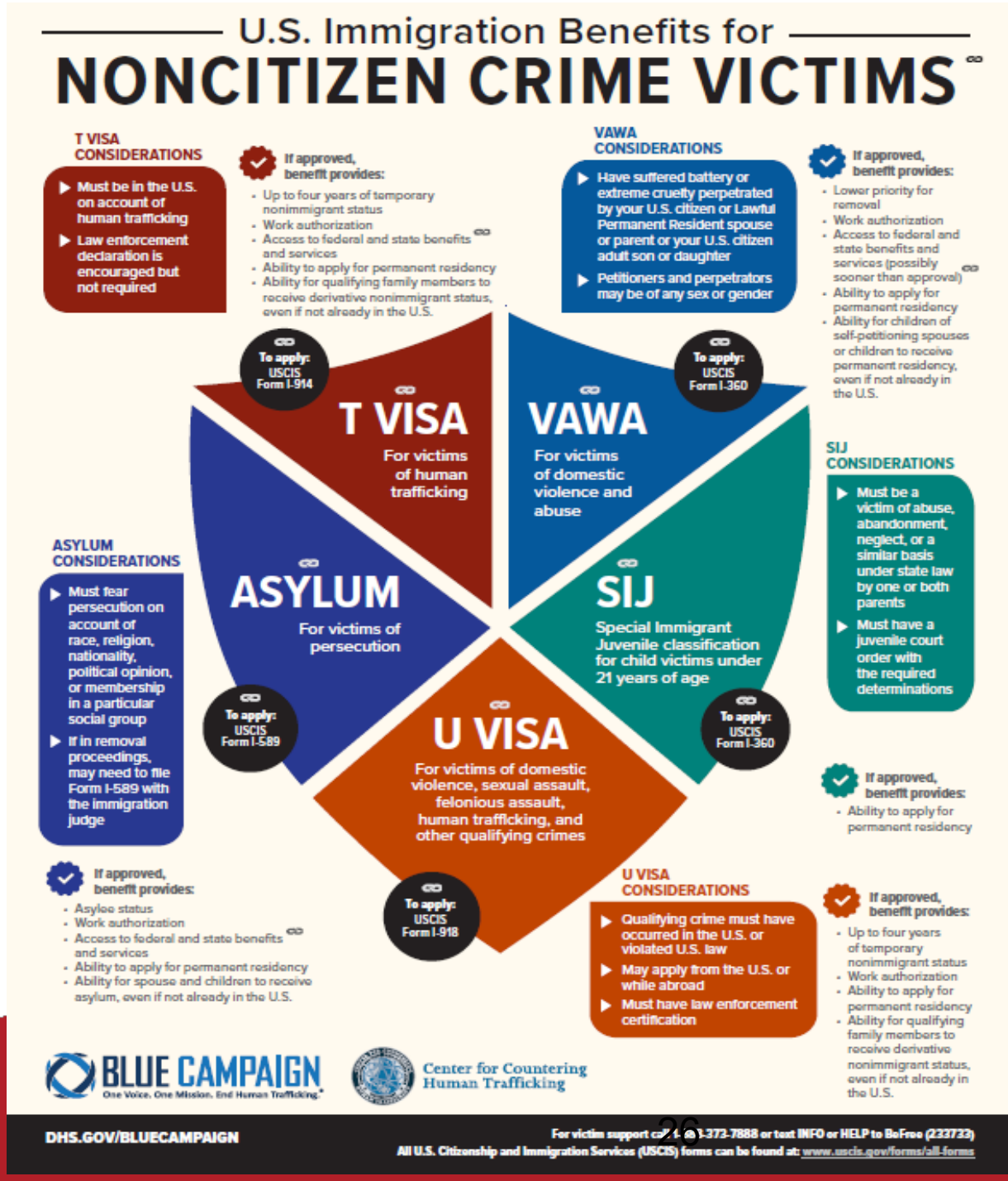
A. Increase reporting of crimes and abuse by immigrant victims and protective parents
B. Improve police/gov't agency and immigrant community relationships
C. Hold offenders accountable
D. Give victims more immigration options including special protections from removal
E. Keep communities safe

Purpose Crime Victim Based Immigration Relief

Congress enacted VAWA self-petitioning (1994), U & T visas (2000, 2005, 2008, 2013) & Special Immigrant Juvenile Status (SIJS) (1990, 2008) to:

- Enhance victim safety
- Allow victims to report crimes and seek help from police, prosecutors, child welfare, & courts without fear of deportation
- Improve access to justice in family/juvenile/criminal/civil courts for immigrant victims of
  - Domestic & sexual violence, child/elder abuse, stalking, human trafficking
- Improve community policing and relationships between government agencies and immigrant communities
- Increase prosecution & ability of courts/gov't agencies to hold perpetrators accountable for crimes against immigrant victims
- Keep communities safe

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



NIWAP

Immigration Relief Available for Immigrant Victims of ---

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

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

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
  - spouse; parent; or citizen adult son/daughter (over 21)
- With whom Self-Petitioner Resided
  - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- *2026 time to work authorization ≈ 4 months or 4 years*
- **Battered Spouse Waiver**
  - Same group of victims – cases where abuser filed for victim
  - Removes requirement that victim stay with abuser for 2 years
  - *2026 time to approval ≈ 36 months*

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
- 2026 time to work authorization ≈ 1.6 Years

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 assistance 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
- T visa certification (declaration) very helpful evidence
- 2026 time to work authorization = 6 months
- Critical to identify trafficking occurring within families

Special Immigrant Juvenile Status (SIJS)

- Immigration legal remedy for unmarried children
- Under the age of 21 in Maryland
- Victims of abuse, abandonment, neglect, or dependency **by at least one parent**
- To apply must submit the required judicial determinations with findings from a state court with jurisdiction over
  - the care, custody, or dependency of the child
- Court order provides evidence does not grant immigration status
- 2026 time to work authorization ≈ 6.8 years (for post 5/10/26 applications)

Clara and Eduardo Case Scenario

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

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

(Raise Your Hand)



A. U visa
B. Included in Lupe's VAWA self-petition
C. Her own self-petition
D. T visa

Poll #5: What forms of immigration relief would Miguel qualify for: (Raise Your Hand)



A. VAWA self-petition
B. U visa
C. Special Immigrant Juvenile Status (SIJS)
D. T visa

Poll #6: What forms of immigration relief would Lupe qualify for:

(Raise Your Hand)



A. VAWA self-petition
B. U visa
C. Special Immigrant Juvenile Status (SIJS)
D. T visa

Helping Abused Immigrant Parents Protects Children in Immigrant Families

- National domestic violence and child abuse co-occurrence rate: 30-40%
- Rates among immigrants similar
- Co-occurrence among
  - Help seekers: 23%
  - Abused immigrants who did not seek help: 77%
- Children of help seekers 20% less likely to have abuser threaten them
- 33% less likely to have abuser threaten to take them away from their mother

- Ammar, Orloff, 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-occurencedvchildabuse/

Let's Make a List

- In your cases involving immigrant children or citizen children with one or more immigrant parents
  - Who have been the potential placements for the child?

Who Qualifies For Victim-Based Immigration Relief

- Helps **both** documented and undocumented
  - Immigrant children (VAWA, T & U, SIJS)
  - Parents of abused or neglected children (VAWA, T & U)
    - "battered or subjected to extreme cruelty"
    - Child maltreated may be a U.S. citizen
- No police report required (VAWA, T, U SIJS)
  - T/U cases victim need only provide information about the criminal activity to a government official
  - Can be CPS/APS, judge, law enforcement, prosecutor, EEOC

Who Can Protect Who?

- Victimized children can include their protective parent or stepparent and in some cases their siblings in their application
  - Even when the parent is not also abused
- Victimized parents can include their under 21 year old children in their applications
  - Whether or not their child was also victimized
- A family member who may be a good kinship care placement may victimization history

Protections for Family Members

- T and U visa applicant = Victim *or parent of an abused child* can apply for family:
  - Applicant is over 21: spouse and unmarried children/stepchildren
  - Applicant is under 21: spouse, unmarried children/stepchildren, parents, stepparents, unmarried siblings under age 18
- VAWA self-petitioner = Abused child, stepchild, parent or *parent of an abused child* can apply for the family:
  - Over 21: applicants' unmarried children/stepchildren
  - Under 21: Can include their parent and their unmarried children/ stepchildren
- Special Immigrant Juvenile Status = child victim
  - Family included: None

Important For Courts to Know That Immigrant Crime Victims/Children May Qualify for Immigration Relief

- Domestic violence/child abuse
  - VAWA self-petitioning,
  - VAWA defenses against removal in immigration court,
  - Battered spouse waiver,
  - Special Immigrant Juvenile Status
  - U visa
- Sexual assault, stalking, many other violent crimes
  - U visa and T visa
  - Special Immigrant Juvenile Status
- Human trafficking
  - T visa and U visa
  - Continued presence

NIWAP's Evidence Based Research Findings

- Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Survivors and Their Children After Employment Authorization and Legal Immigration Status (June 8, 2021)

https://niwaplibrary.wcl.american.edu/pubs/transforming-lives-final-report

After VAWA Self-Petitioners and U Visa Victims Receive Work Authorization and Deferred Action

- Increased justice system involvement
  - 114% increase in willingness to trust the police
  - 36% make police reports regarding future crimes
  - 60% seek protection orders and/or custody
  - 22% help other victims report abuse and seek help/justice
  - 74% Immigration related abuse & 78% child snatching threats decline
- Mental Health, Education and Economic Benefits at Work Authorization
  - It being easier to make decisions 432%
  - Sleeping better & being calmer– 300%
  - Standing up for themselves 225%
  - Secure jobs: paying minimum wage+ 300%; that deduct taxes 542%; & 43% benefits vacation, sick leave, health insurance
  - ESL 226%; GEDs 35%; AAs & BAs 38%; Advanced degrees 19%

Orloff, Magwood, Campos-Mendez, & Hass, Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Victims and their Children After Work-Authorization and Legal Immigration Status (June 2021); Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rodrigues et al. Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey (May 3, 2018); Leslye Orloff, et. al., U Visa Victims and Lawful Permanent Residency 5 (September 6, 2012)

Improvements for Children

- 6.6 fold increase in victim's involvement in their children's schools
- Increases in victim's children
  - 101% being more socially active
  - 134% pursuing their own interests
- At lawful permanent residency
  - 65% improvement in children's grades
  - 125% decrease in disciplinary problems
  - 80% less aggressive

Impact of Immigration Related Abuse On Victim's Willingness to Seek Help From State Courts

- Between 2016 and 2017 there was a 391% decline in battered immigrant spouses' willingness to file VAWA self-petitions
- This same research found *an increase* in immigrant victims seeking protection orders in jurisdictions when courts were
  - Issuing SIJS judicial determinations
  - Signing U and T visa certifications
- When government agencies sign U/T certifications and receive SIJS judicial determinations there is an increase in immigrant victims seeking protection orders & custody, and participating in criminal, civil, child welfare, and family court cases.

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)
Ammar, N.H., Orloff, L.E., Couture-Carron, A., Immigrant Victims of Interpersonal Violence and Protection Orders, in Civil Court Responses to Intimate Partner Violence and Abuse (2020)

VAWA Confidentiality's Protections for Immigrant Survivors: What You Need to Know

The Elephant in the Room

- The abuser says the court must grant them custody because the other parent's removal is imminent
- When parents are victims or the parents of children who are victims
  - They have more protections than immigrants generally
  - Particularly those who have filed VAWA, U visa, and T visa cases due to:
    - VAWA confidentiality 8 U.S.C. 1367 and implementing policies
    - Victims Witness Memo 2011 and ICE Victim Centered Approach 2021 policies reinstated May 10, 2026 by court order

Violence Against Women Act (VAWA) Confidentiality

- Only Federal Statute That Limits Immigration Enforcement
  - Particularly important for cases where the person who perpetrated abuse or neglect of a child is present in the U.S.
  - Examples

VAWA Confidentiality Prongs Chart

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

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

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

Implications of VAWA Confidentiality

- Information about the existence of case file contents and actions taken in VAWA confidentiality protected cases generally not discoverable in state court
- In criminal cases only the U or T visa certification itself and any cover letter is discoverable
  - If court determines it is relevant and potentially exculpatory
  - This is sufficient for cross examine victim's credibility
- In civil employment cases with multiple victims where EEOC certified, redacted certifications may be discoverable
- In family and child welfare cases no discovery

VAWA Confidentiality Violations



- Each violation
  - Disciplinary action and/or
  - $5,000 fine for the individual
- VAWA Confidentiality Implementation Guidance (1997, 2005, 2007, 2008, 2013, 2019, 2021, 2025)
- ICE required to:
  - Check for “384” flag before enforcement actions
  - Not rely upon perpetrator provided information
  - Obtain supervisor approval
  - Certify compliance to immigration judge
    - Violations can be basis for dismissal of removal action

Poll #7: At which protected locations does VAWA limit immigration enforcement against victims? Check all that apply



A. Shelters
B. Rape crisis centers
C. Supervised visitation centers
D. Family justice centers
E. Victim services program/provider
F. Community based organization
G. Courthouses

Are Courthouses Protected Locations? 8 U.S.C. Sec.1229(e)(2)(B) – INA 239(e)

- Generally prohibits immigration enforcement at Courthouses **against victims**:
  - "(B) At a courthouse (or in connection with that appearance of the alien at a courthouse) if the alien is appearing in connection with a protection order case, child custody case, or other civil or criminal case relating to domestic violence, sexual assault, trafficking, or stalking in which the alien has been battered or subject to extreme cruelty or if the alien is described in subparagraph (T) or (U) of section 101(a)(15) [8 USCS § 1101(a)(15)]."

ICE Policy 11072.3 Court House Enforcement (January 2025) – Family and Non-Criminal Court Limitations

- "ICE officers and agents should generally avoid enforcement actions in or near courthouses, or areas within courthouses, that are wholly dedicated to non-criminal proceedings (e.g. family court, small claims court). When an enforcement action in the above situations is operationally necessary, the approval of the respective Field Office Director (FOD), Special Agent in Charge (SAC), or his or her designee is required prior to conducting the enforcement action."

https://niwaplibrary.wcl.american.edu/pubs/2025-01_ice_courthouse_enforcement_guidance/

Key 2025 Policies

- Enforcement at Protected Areas (Jan. 20, 2025) & Courthouse Enforcement (Jan. 2025) Policies
    - Require supervisor approval for courthouse enforcement in *family, child welfare, protection order and noncriminal* cases and courthouses
- Interim guidance on Victims 11005.4 Jan. 31, 2025
  - Requires that ICE deconflict with state, local and federal government agencies to ensure that criminal investigative and other enforcement actions will not be compromised
  - *Requires ongoing adherence to VAWA confidentiality statutes and implementing policies*
    - Bars reliance on "tips" from perpetrators, their family members, and others acting on their behalf

New Tools Demonstration

- Letters for law enforcement, prosecutors, and CPS staff to provide to victims
- Letters that judges, court staff, CPS, prosecutors can provide to ICE if they seek a victim at a court
- Letters that advocates and attorneys can provide to victims



CPS Role in Promoting ICE Compliance With Current DHS Policies?

- ICE January 2025 policy says will deconflict
  - "Deconflict" to ensure investigations not compromised
- Identify victims as early as possible–
  - Children, non-abusive parents, and caregivers
- Screen and Refer Early: children, protective parents/kin who apply for VAWA, T and U and get more protection
  - Than SIJS and other immigrants
- Issue Letters for Victims
  - Letters from *agencies authorized to certify* have the most weight
  - Maryland law, U & T visa statutes, regulations CPS and APS are certifiers
  - Collaborate with state/local law enforcement & prosecutors encourage them to issue letters too

Is Immigration Status Relevant to Custody or Placement of a Child?

- Relevant to: Immigrant child abuse or crime victim presents evidence of immigration related abuse, power and control suffered
  - Either not filing or withdrawing immigration papers
  - Threats to turn victim/child 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



Small Group Discussion and Report Back

What are some of the ways that The immigration status of a child, parent, or kinship care placement could impact permanency planning for a child?

Impact of Immigration Needs on Permanency

- Timeline for permanency
- Well-being
- Safety
- Eligibility for benefits and services
- Medical and Mental Health Care
- Housing
- Higher Education
- Employment

Ticking Clock….

- Legal immigration options exist for children and their non-abusive parents
  - Some kinship care givers
  - Children can age out of some programs
- Early screening and referral is key
  - Directory



Large Group Discussion

What are some clues you might find in a case file that might indicate that a child, parent, or caregiver might have immigration concerns?

Scanning the Case File For Clues Before Speaking With Child– Indicators of Immigration Need

Documentation and System Flags

- Foreign birth or missing birth certificate
- Ineligible for Title IV-E Funding
- Missing social security number
- Only identification foreign passport
- Existing paperwork from USCIS, ORR, EOIR or ICE

Biographical & Family Flags

- Primary language(s) other than English
- Indicators of sex or labor trafficking of child or parent
- Crime victimization of parent/afraid of government officials
- Parent currently detained
- Parent/caregiver abroad

Safely Communicating With The Child

Rules of Engagement (The Guardrails)

- Explain that the U.S. government has special programs to help children get documentation/papers
- Assure them that information will ONLY go the legal provider – never the ICE or state/local law enforcement
- Let the child know that the referral is entirely their choice

Practice Scripts – What to Say

- "I like to double check in every case. Do you (or anyone in your family) have immigration concerns?"
- "It looks like you don't have a U.S. birth certificate, can you tell me where you were born?"
- "It looks like we are missing school information. Where was the last place you attended school?"
- "Can I connect you to an immigration attorney who can help you get papers. Do you want me to do that for you?

Immigration Referral Tool for Case Workers:

- https://cimmcw.org/wp-content/uploads/Immigration-Referral-Tool-for-Caseworkers.pdf

American Bar Association,
Center for Children and the law

Custody, Termination of Parental Rights and Adoption

Child Welfare Cases and Termination of Parental Rights

In re Interest of Angelica L., 277 Neb. 984 (2009)

- 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

Deportation, Custody, and Termination

- Deportation does not terminate parental rights:
  - A deported parent does not lose parental rights merely because of deportation; no "culture clash" comparisons of cultures, countries, financial mean. See In re Interest of Angelica L., 277 Neb. 984 (2009).
  - Deportation should be "neither a sword nor a shield." See Matter of R.A.X., 298 N.C. App. 341 (2025).
  - Deportation is relevant but insufficient "in and of itself" to show endangerment. See S.A.D. v. Tex. Dep't of Family & Protective Servs., No. 03-24-00664-CV (Tex. App. 2025).
  - Already-deported father granted permanent custody; no evidence he was unfit. See Care & Protection of Jasper, 107 Mass. App. Ct. 1106 (2026).

Adoption May or May Not Provide a Path to Legal Immigration Status for Children

- Need immigration expert to examine child's paths to lawful permanent residency (LPR)or citizenship
  - Best path may be independent of adoption (SIJS, VAWA, U/T visa)
  - Adoption by US citizen ≠ automatic citizenship for child
- Adoption must comply with
  - Hague convention and immigration law requirements
  - Hague 1 adoptive parent must be U.S. citizen + used Hague process
  - Family based visa process
    - 1 adoptive parent either USC or LPR
    - Adoption final before age 16 + 2-year legal custody & joint residence with adoptive parent (unless battery or extreme cruelty)
    - Child from non-Hauge Country or adoption exempted

Hague Convention Countries That Make Up 45.1% of Maryland's Immigrant Population

- El Salvador -13%
- Other Central American – 9.6 %
  - Guatemala, Honduras, Costa Rica, Panama
- India 5.8%
- Philippines 4.4%
- European Union + UK 4.4%
- Korea – 3%
- Vietnam – 1.5%
- Canada –0.7%
- Brazil -1.1%
- Columbia – 1.6%

Examples of Factors That Impact Whether Adoption Can Be a Path to LPR and Citizenship

- Is prospective adoptive parent USC or LPR?
- What is the foreign-born child's country or origin?
- Does the Hague Adoption Convention Apply?
  - Country Hague signor + 1 USC adoptive parent and where has the child been habitually residing?
- Did the child enter the US to be adopted?
- Has the child actually and physically resided in the U.S. for a substantial period of time establishing compelling ties to the United States?
- Was or can the child's adoption be final before the child turns age 16?
  - Has the child been in the legal custody or and jointly resided with adoptive parent for 2 years or was the child battered or subjected to extreme cruelty by an adoptive parent?
- Is the child eligible for SIJS, VAWA self-petition, U or T visa?

Child Welfare Best Practices: Immigrant Children and Immigrant Families

Goal: For Mixed Status Families

- By identifying immigration status eligibility
  - Children and caregivers
- Enhances family stability
- Expands placement options
- Reduces # children in care
- Filing immigration cases
  - Is in children's best interests
  - Path to work authorization, expanded access to benefits and services, improved protection from deportation

CPS Must Act Swiftly In

- Screening early – for immigration relief eligibility based on maltreatment
  - Children, non-abusive parents, caregivers
  - *Timing matters* – children can age out losing access to immigration protections
- Referring children and/or parents
  - To attorneys/advocates with immigrant victim expertise: immigration, family, benefits eligibility
  - Trafficked children to OTIP
    - Children/Parents may qualify for and need to file multiple immigration applications
- NIWAP Directory





Promote Children's Best Interests By:

- Signing
  - U visa certifications & T visa declarations
  - Begin certifying now – See Toolkit for Instructions
- Helping with documentation of maltreatment
  - For victim's immigration case; and
- Seeking court orders containing findings
  - Helpful for VAWA, T and U visa and SIJS cases
- *CPS must ensure that staff and agency counsel are*
  - Seeking SIJS judicial determinations – prerequisite
  - Ask courts to appoint qualified immigration counsel
    - Partner to identify programs with required expertise

Toolkits For Government Agencies Working With Immigrant Victims - Demonstration

- This webpage includes Toolkits for
  - Child Protective Services Agencies
  - Adult Protective Services Agencies
  - Federal, State, and Local Judges
  - Law Enforcement Agencies and Prosecutors
- Covers: VAWA, U & T Visas, SIJS



NIWAP Is Providing You Tools

- CPS/APS toolkits
- Sample letters that deter immigration enforcement against VAWA, T and U visa victims
- Public benefits map and charts
- Infographic – Comparing VAWA, T, U SIJS
  - Protections available children and parents
  - Benefits access in Maryland
  - Timelines
- Brochures DHS & Victim
  - Know your rights
  - Multiple languages





What Happens If A Child, Parent, or Victim Leaves The U.S.?

- A U visa & VAWA victims can file from abroad if the any part of the victimization occurred in the U.S.
- A T visa victim and SIJS children must be in the U.S. to file.
- For victims with pending or approved applications for VAWA, T visa, U visa or SIJS leaving the U.S. without a Green Card could leave them stranded abroad.

VAWA Self-Petition and Battered Spouse Waiver

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
  - spouse; parent; or citizen adult son/daughter (over 21)
- With whom Self-Petitioner Resided
  - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- *2026 time to work authorization ≈ 4 months or 4 years*
- **Battered Spouse Waiver**
  - Same group of victims – cases where abuser filed for victim
  - Removes requirement that victim stay with abuser for 2 years
  - *2026 time to approval ≈ 36 months*

"Battering or Extreme Cruelty"

- Battering = Anything criminal
- Coercive control = extreme cruelty
  - Strategies designed to establish domination and retain control over another person using
    - Fear, dependence, and deprivation of basic rights and liberties

- Examples of Extreme Cruelty
  - Intimidation
  - Degradation
  - Isolation
  - Controlling, monitoring another's movements
  - Immigration-related abuse
  - Cyber violence
  - Economic abuse
  - Threats to harm children, parents, pets, other family members
  - Withholding food, shelter, medicine, sleep depravation
  - Religious persecution

Poll #8: Which of the following persons who are battered or subjected to extreme cruelty are eligible to self-petition?
(Check all that apply)



A. Child abused by citizen (USC) or lawful permanent resident(LPR) parent
B. Undocumented mother of USC child abused by child's USC or LPR step-parent
C. Child abused by their mother's USC boyfriend
D. Student visa holder parent whose USC spouse abused the couple's child

Child Welfare Agency Role - VAWAs

- Screen early
  - Screen for immigration relief eligibility based on maltreatment
    - Children and Parents
  - Including for human trafficking
    - File OTIP Requests for Assistance
- Refer/seek court appointment of lawyers with expertise on immigrant victim's rights - immigration, benefits, family laws
  - NIWAP Directory https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/
- Help with documentation of maltreatment
  - For victim's immigration case; and
  - By seeking court orders containing findings

U Visa For Victims of Crime

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
- 2026 time to work authorization ≈ 1.6 Years

U Visa Requirements

2025 time to work authorization ≈ 2.4 years

Victim	Helpfulness	Harm

• Qualifying criminal activity
• Possesses information about the crime
• Criminal activity occurred in U.S. or violated U.S. law
	• Victim has been, is being, or is likely to be helpful in *any of the following:*
	  • Detection
	  • Investigation
	  • Prosecution
	  • Conviction
	  • Sentencing
		• Substantial physical or mental abuse as a result
		
		This is not a part of the certification.

Immigration Legal Remedies Available for Immigrants When *They or Their Children* Are Victims of ---

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

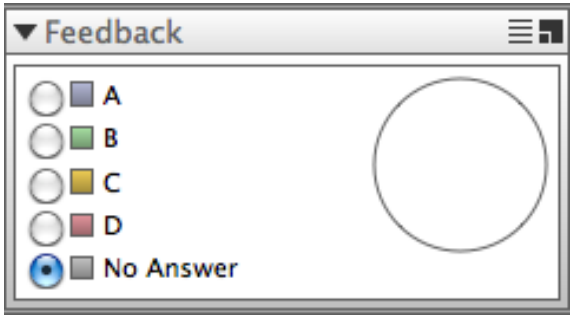
Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity

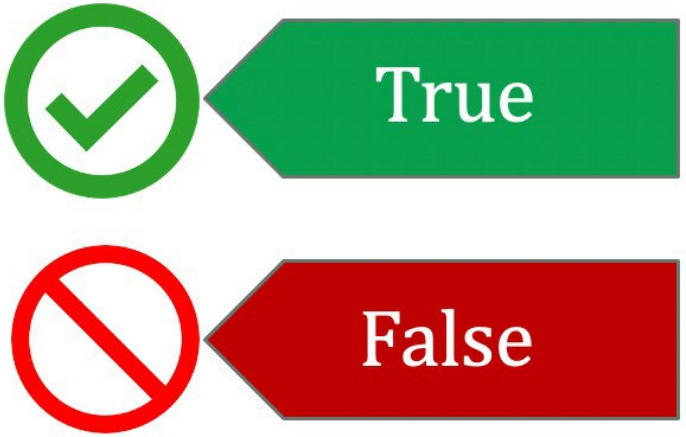
Who can apply?

- Parent can apply as an "indirect victim" if:
  - The direct victim is a child under 21 years of age and/or is incompetent, incapacitated, or deceased due to murder or manslaughter
  - They demonstrate helpfulness
- When the victim is a child, the helpfulness requirement can be met by a family member or "next friend" being helpful
- Bystander victimization – very limited

Poll #9: True or False?

- Child protective services agencies are required to issue U visa certifications under Maryland law?
  A. True
  B. False





Who Can Certify?

Maryland Law Requires Agencies in Italics to Certify
Criminal Procedure § 11-930

- *Federal, state, and local*
  - *Law enforcement*
  - *Prosecutors*
  - Judges, magistrates, commissioners, and other judicial officials
- *Child and Elder Abuse agencies*
- *Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)*
- *Other government agencies with investigative authority*

Maryland U-visa Certification Law

Criminal Procedure §11-930 (Enacted April 22, 2025)

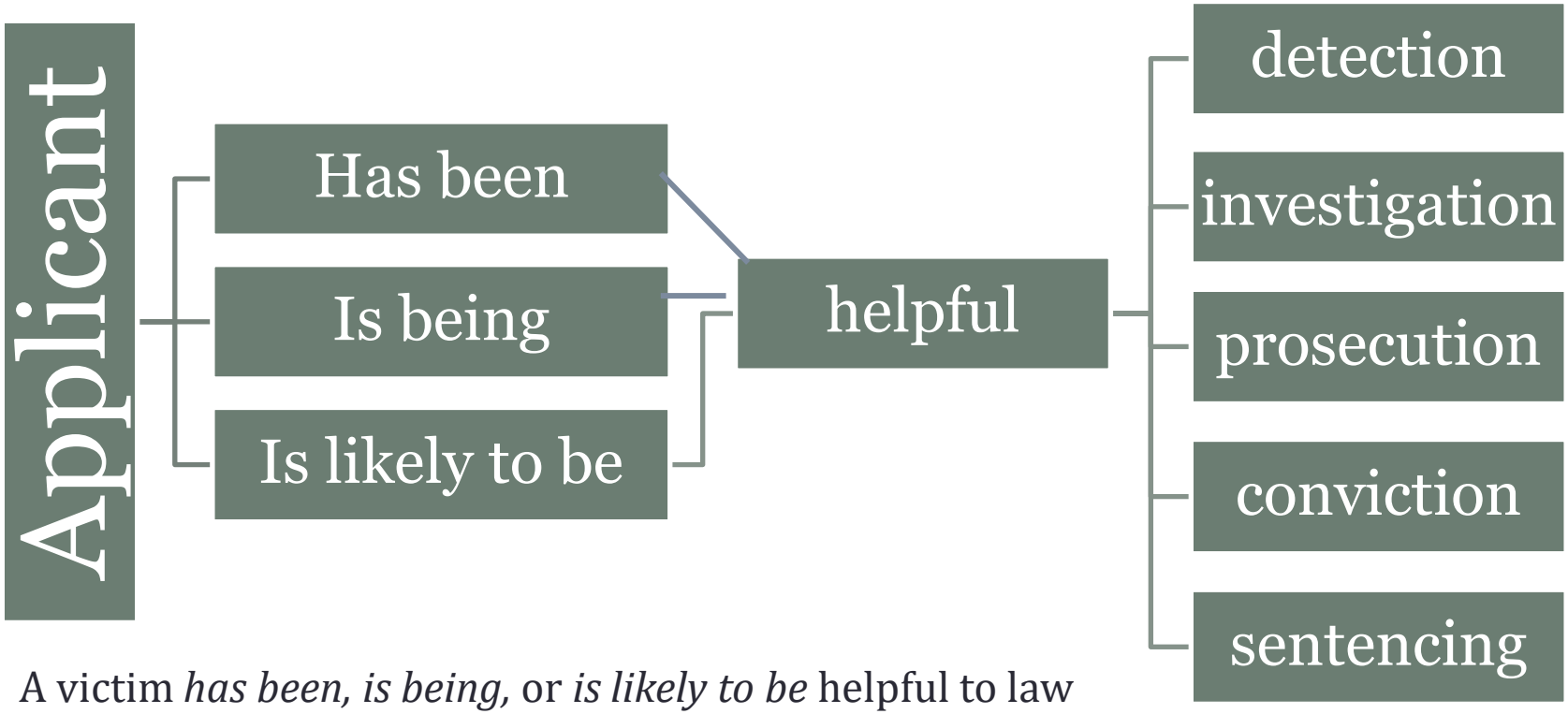
- Established time limit to respond: 45 days or 7 days (if in removal proceedings)
- Maryland statute adopts and follows federal guidelines
  - Authorize judicial certifications
- No statute of limitations
- NOT required: Current investigation, filing of charges, prosecution or conviction

U Visa Basics

- Government agency certification is just one part of the overall process; it does not provide citizenship
- Meant to promote cooperation with government agency investigations & prosecutions
- Increases immigrant victim and immigrant family member's justice system participation
- Offender may be a citizen or noncitizen
- Victim can be lawfully present or undocumented

Definition of "Helpfulness"

8 C.F.R 214.14(b)(3)



A victim *has been, is being,* or *is likely to be* helpful to law enforcement, prosecutors, judges, or other government officials

Helpfulness May Include:

Calling 911	Having a Rape Kit performed	Providing a description of offender or their whereabouts
Allowing photographs to be taken	Filing for a protection order	Bringing a minor victim to court or child advocacy center
Assisting a child/adult protective services agency investigation	Providing evidence of abuse to a judge in a custody, child welfare, or divorce case	Testifying at a bond hearing, trial, or sentencing

Maryland U-visa Certification Law

Criminal Procedure §11-930 (Enacted April 22, 2025)

- Determining helpfulness:
  - "an individual shall be considered helpful if, since the initiation of helpfulness, the individual has not unreasonably refused to cooperate or unreasonably failed to provide information and assistance reasonably requested by a certifying entity"
- Written explanation required if the evidence does not support issuance of certification.

Maryland Adopts Federal Law Approach

Is the request reasonable?

8 C.F.R. 214.14(b)(3)

8 C.F.R. 245.24(2)(2)(ii)

Is the refusal unreasonable?

8 C.F.R. 245.24(a)(5)

Small Group Discussion and Report Back

- Make a list of examples from your child welfare experience of reasons why a parent, child, or family member may be reticent to work with your agency's staff investigating child maltreatment.

Evaluating Unreasonableness

DHS regulations require affirmative evidence and consideration of:

- Totality of the circumstances
- The nature of the victimization

Applicable guidelines for victim/witness assistance

- Victim's fear of the abuser
- Trauma suffered (both mental and physical)
- Force, fraud, or coercion
- Age, maturity, and capacity of the applicant
  - 8 C.F.R. 245.24(a)(5)
- Witness tampering

Poll #10: Which persons CPS encounters should be screened for U visa eligibility? (Check all that apply)



A. Unaccompanied children
B. Children with DACA
C. Student visa holder children
D. Lawful permanent residents
E. Parents of children CPS is working with
F. Potential caregiver family members of children CPS encounters

Child Welfare Agency Role - U Visas

- Early Screening *children, non-abusive parents, kinship placements* for immigration relief eligibility based victimization & for human trafficking/OTIP referrals
- *CPS signs U visa certifications as required by Maryland law*
  - Within MD required timeframes
  - Best practice – implement agency-wide CPS certification policy
- Refer/seek court appointment of lawyers with expertise on immigrant victim's rights -immigration, benefits, family laws
  - NIWAP Directory https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/
- Help with documentation of maltreatment for victim's immigration case
  - Includes seeking findings from state courts in CPS cases

U Visa: Immigration Relief for Victims of Qualifying Criminal Activity

Quick Reference Guide

The U visa offers immigration protection for victims of qualifying criminal activity *or any similar activity*. Qualifying criminal activities include domestic violence, human trafficking, and sexual assault.[113] The United States Citizenship and Immigration Service (USCIS) defines child and elder abuse as similar activities for which immigrant victims may also be eligible for a U visa. Solicitation, attempt, or conspiracy to commit a qualifying criminal activity is also a qualifying criminal activity for the purposes of U visa eligibility.

The U visa was created by the Violence Against Women Act of 2000 to strengthen the ability of law enforcement agencies to detect, investigate, prosecute criminal activity. By providing immigration relief to immigrant victims of qualifying criminal activity, the U visa encourages immigrant victims to report crimes committed against them and aid in investigations and prosecution of perpetrators.

Who is eligible

- **Immigrant adults and children** who have suffered qualifying criminal activity
- **Immigrant parents** whose U.S. citizen or immigrant child or stepchild has suffered qualifying criminal activity. The immigrant parent or stepparent of a child victim need not be abused themselves
    - Because immigrant parents may be eligible for a U visa if their child suffers qualifying criminal activity, CPS should continue screening **even if the child is a U.S. citizen**.

Who else can be included in the petition

- **Adult applicants (over the age of 21) can include**: their spouses and children
- **Child applicants (under the age of 21) can include**: their own children, their spouses, their parents, and their unmarried siblings under the age of 18

Eligibility Requirements

- Have been the victim of a qualifying criminal activity or other similar activity, **perpetrated in the United States** or one that violated the federal or state laws of the United States
- Possess information concerning such criminal activity
- Have been, are being, or are likely to be helpful in the detection, or investigation, or prosecution, or conviction, or sentencing of such activity
- Have **suffered substantial physical or mental abuse** as a result of being a victim of a listed criminal activity

Is there a time limit within which victims must file: No. Victims who meet the eligibility requirements can file at any time after the qualifying criminal activity occurs.

Certification Required: Yes. Applicants must provide a U visa certification (Form I-918B) signed by an authorized state or federal agency.

T Visa For Victims of Human Trafficking and the Importance of Identifying Human Trafficking Sex and/or Labor Co-Occurring With Child Abuse and Domestic Violence,

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 assistance 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
- T visa certification (declaration) very helpful evidence
- 2026 time to work authorization = 6 months
- Critical to identify trafficking occurring within families

Severe Forms of Human Trafficking

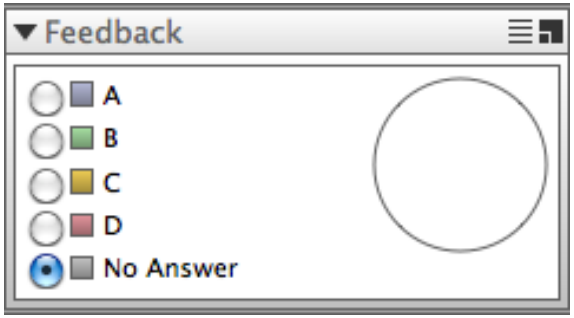
TVPA, 22 U.S.C. § 7102

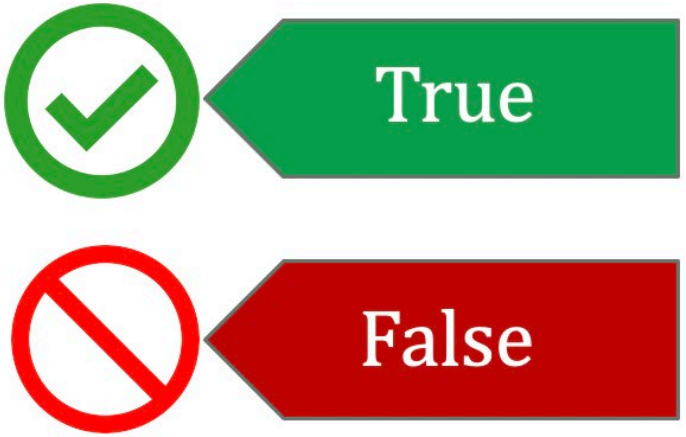
Act	Means	Purpose
• Recruit • Harbor • Transport • Provide • Obtaining • Patronize • Solicit	• Force • Fraud • Coercion Not required for minor victims of sex trafficking	• Commercial Sex • Forced labor • Forced services • Involuntary servitude • Peonage • Debt bondage • Slavery

Note: There is no such thing as "attempted trafficking". It is included in this definition.

Poll #11: True or False?

- DHS recognizes that human trafficking can co-occur with domestic violence and child abuse.
  A. True
  B. False





Familial Trafficking

- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
  - Parent, grandparent, aunt, uncle, cousin, sibling
  - With 45.8% parent or guardian
- 65% of sex trafficked children come from unstable homes or compromised parenting
  - Almost 20% have a history of child abuse or neglect
- Up to 34% of sex trafficked children are trafficked by an intimate partner

- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. Child Abuse & Neglect (2014), http://dx.doi.org/10.1016/j.chiabu.2014.07.015

DHS Recognizes Labor Trafficking Occurs Within Families

- Involuntary servitude
  - Induced by means of any scheme, plan, or pattern
  - Intended to cause a person to believe or to fear that
    - If the person did not enter into or continue in such condition or undertake the forced work
    - That person or another person would *Suffer serious harm,*
    - physical injury, physical restraint, or legal coercion.
- A condition of servitude induced by the abuse or threatened abuse of the law or legal process.
- 8 C.F.R. § 214.201

Poll #12: What would involuntary servitude look like in families?



A. Constant availability to labor regardless of health or energy
B. Lack of control over victim's own wages for labor preformed for trafficker
C. Impose unequal living arrangements controlling access to food, sleep
D. Victim's life fulfills trafficker's orders

Involuntary Servitude in a Domestic Violence Relationship

- Abuser/Trafficker controls victim's liberty creating conditions of servitude
- Expectation that the victim's life fulfills the trafficker's orders
  - E.g., demand from the trafficker to perform domestic labor at an unreasonable level, including unreasonable working hours, and/or constant availability to labor regardless of health or energy;
- Lack of control over the victim's own wages (or not paid) despite laboring under the trafficker's demands; or
- The imposition of unequal living arrangements as part of a campaign of force, fraud, and coercion
  - E.g., unequal sleeping arrangements, living arrangements, or access to nourishment.

https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2

T Visa Typical Scenarios

- Victims of Commercial Sexual Exploitation of Children (CSEC)
- When force, fraud, or coercion has been used against a child for the purpose of
  - Forced labor or services, involuntary servitude
  - Example: Child forced/coerced to work for family business, is not paid for labor and child or their parent would suffer physical harm/restraint or serious harm if the child failed to perform the labor
- A child trafficking victim under age 21 can include their parent and certain siblings
- A child's parent who has been a victim of sex or labor trafficking can include in a T visa their under 21-year-old child
- Child victims can file multiple applications and can switch to the T visa once human trafficking is identified

Child Welfare Agency Role - T Visas

- Early Screening *children, non-abusive parents, kinship placements* for immigration relief eligibility based victimization & for human trafficking/OTIP referrals
- *CPS:*
  - *Signs T visa declarations early*
  - *Has U and T visa certification policy*
  - *Completes OTIP requests for assistance*
  - *Develops relationships with federal agencies who can request continued presence*
  - *Provides documentation of maltreatment*
- Refer/seek court appointment of lawyers with expertise on immigrant victim's rights - immigration, benefits, family laws
  - NIWAP Directory https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/

Special Immigrant Juvenile Status (SIJS)

- Immigration legal remedy for unmarried children
- Under the age of 21 in Maryland
- Victims of abuse, abandonment, neglect, or dependency **by at least one parent**
- To apply must submit the required judicial determinations with findings from a state court with jurisdiction over
  - the care, custody, or dependency of the child
- Court order provides evidence does not grant immigration status
- 2026 time to work authorization ≈ 6.8 years (for post 5/10/26 applications)

SIJS Judicial Determinations Can Be Issued When State Court Judge Awards Custody

- Child is dependent on a juvenile court or **legally committed *to or placed under the custody of*** an agency or department of State, or ***an individual*** or entity appointed by a State court.
- **Child's best interest** would not be served by being returned to his or her country of origin.
  - E.g. When placement in child's best interests is in California
- **Reunification** with one or both parents **is not viable due to** abuse, neglect, abandonment, or a similar basis under state law
  - Viability ≠no contact
  - How long? Through SIJS adjudication; Reunification with abusive parent leads to SIJS revocation

Poll #13: In which types of cases can a judge issue SIJS judicial determinations? (Check all that apply)



A. Dependency
B. Criminal prosecution of child abuser
C. Civil protection order
D. Custody/Divorce
E. Delinquency
F. Adoption/TPR

In What Types of Case Scenarios Could A Child Obtain SIJS Court Orders?

- Care, Custody, and/or placement by a judge
  - Dependency/Delinquency cases
  - Civil protection order cases
  - Custody cases
  - Divorce cases
  - Paternity and child support cases
  - Adoption cases
  - Includes all state court cases in which CPS appears
- DHS states: All are of the above = *Juvenile courts*
  - Juveniles = all children
- SIJS Bench Book has chapters on each case type https://niwaplibrary.wcl.american.edu/sijs-manual-table-of-contents

Child Welfare Agency Role - SIJS

- Screen early for immigration relief eligibility based on parent perpetrated abuse, abandonment, neglect or similar maltreatment – so that the child does not age out
  - Do not disqualify children living with non-abusive parent
  - Screen for human trafficking/OTIP requests for assistance
- *CPS Best Practices:*
  - *Request judicial determinations from state courts for SIJS eligible children in all cases that involve CPS staff or attorneys*
  - *Ask court to appoint immigration counsel for the child*
    - NIWAP Directory https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/

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



Returning to Clara, Miguel and Lupe …
What help is available to meet basic needs?

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

- Legal Services
- Family Court (Divorce, custody, economic relief, protection orders)
- Interpreters/Translators
- Police Assistance
- Perpetrators Can Be Criminally Prosecuted
- Public Benefits for Their Eligible Children
- SANE Exams
- VOCA
- Assistance for Crime Victims
- Shelter/Transitional Housing
- WIC/school lunch & breakfast
- Primary/Secondary education/Headstart/GEDs
- Immunizations, testing, treatment communicable diseases
- Emergency medical care
- Healthcare from federally qualified health centers

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
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Shelter & transitional housing assistance



8 U.S.C. Section 1611(b)(1)(D)

What if Lupe and Miguel have special educational needs due to trauma or if Miguel wants to go to college?

Education – Miguel, Lupe, and Clara

- Elementary and secondary education including Individualized Education Programs (IEPs)
  - Same rules apply for all children no restrictions
- Federal post-secondary educational grants and loans
  - Eligible – VAWAs (3 mos); Ts (6 mos), CP, OTIP, and lawful permanent residents (LPRs) (SIJS 5.8 yrs, U visa 13.7 years)
- In-state tuition and financial aid for public postsecondary education in Maryland
  - Eligible without regard to immigration status for in-state tuition, grants, and loans
  - Must have graduated from a Maryland high school or received a GED in the state, also requires 3 years of Maryland taxes paid by student or their parent/guardian.

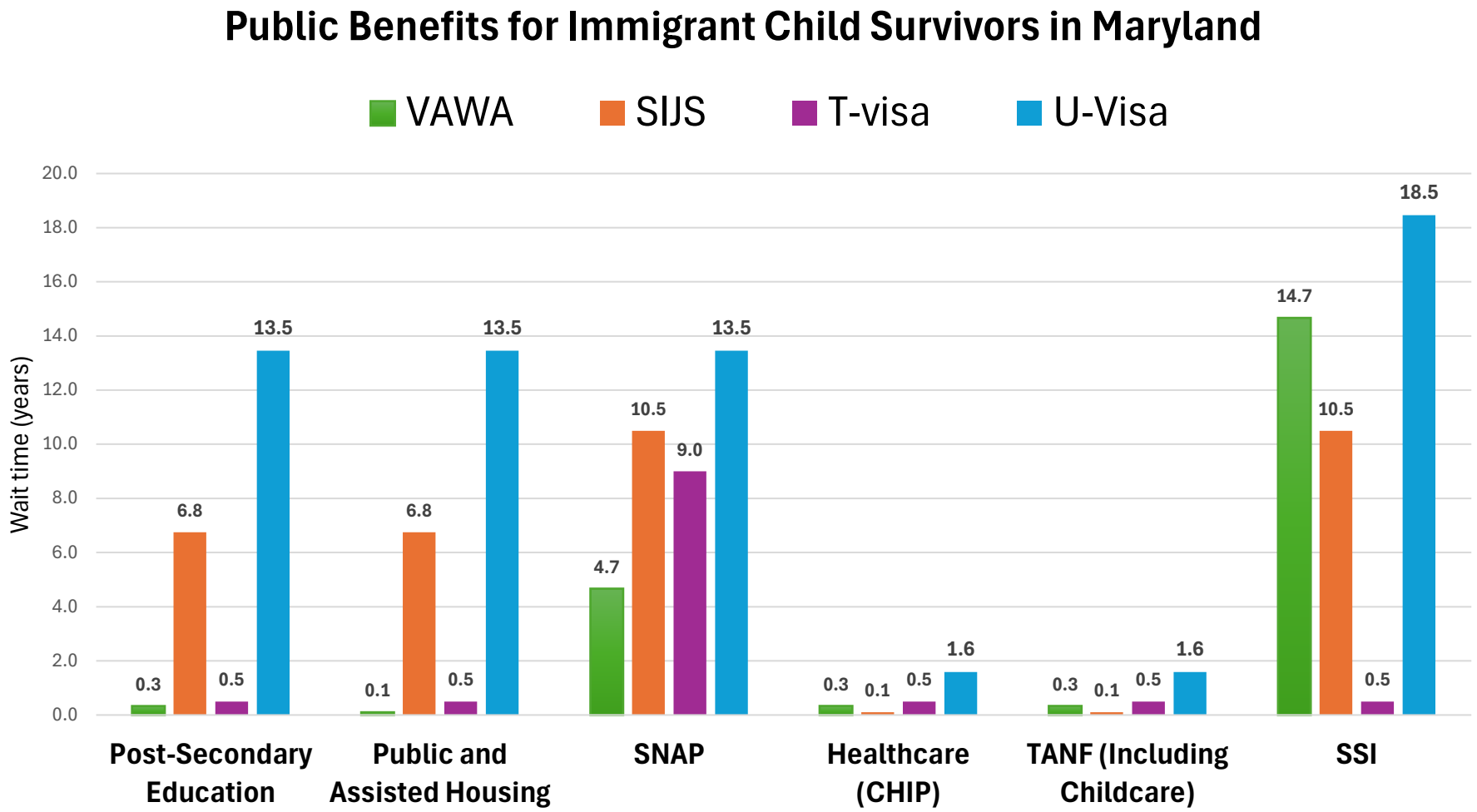
Miguel and Lupe need eye exams, glasses, and regular health care check ups and when Clara was at the hospital she learned she was pregnant what are they eligible for in Nevada?

Healthcare in Maryland

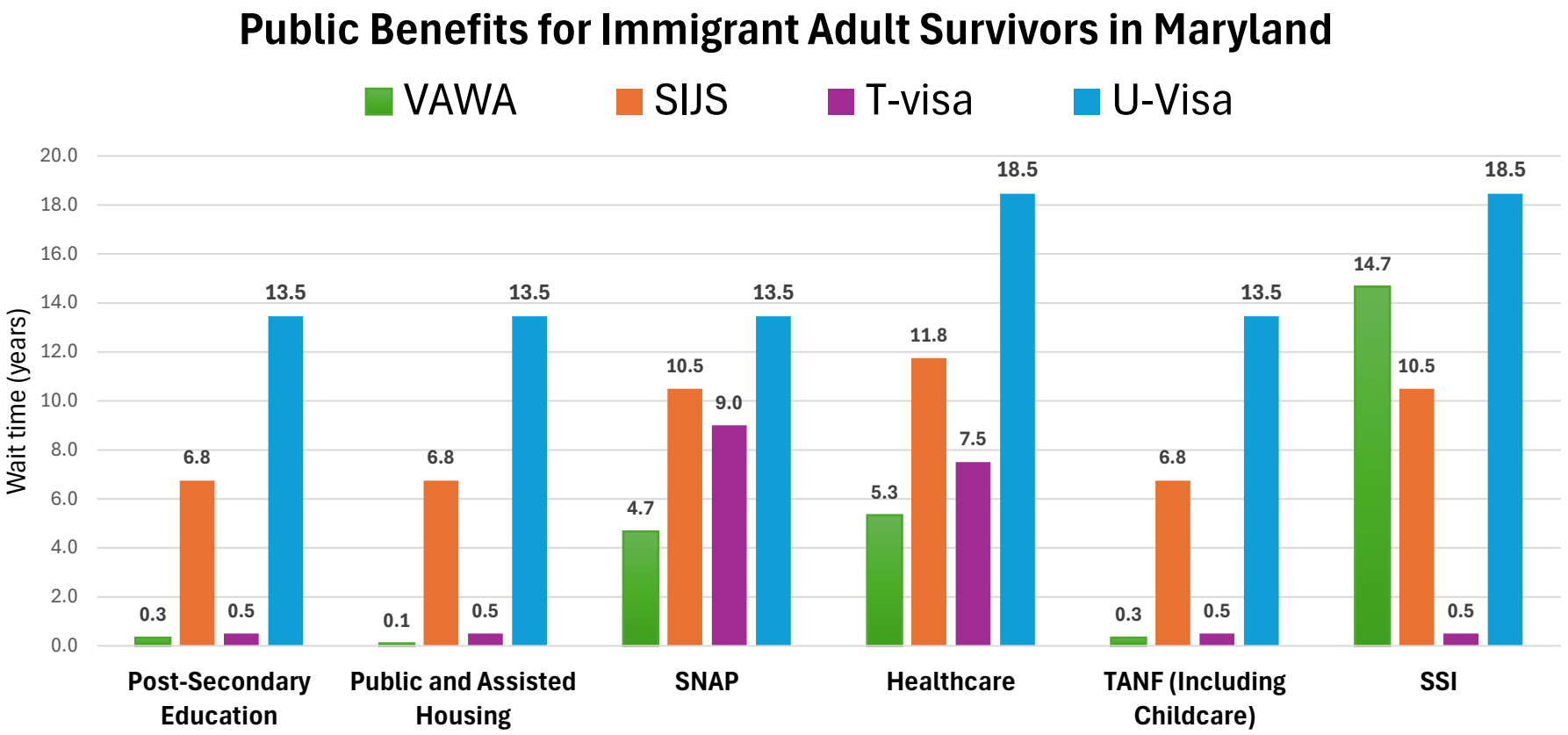
- **State Funded Medicaid and CHIP available to lawfully present children up to age 21 and pregnant persons**
  - VAWAs (3 Months), T visa bona fide (6 months), SIJS (at filing), U visa bona fide (1.6 years)
  - Prenatal care, 12 months postpartum care,
  - 4 months postpartum and newborn care without regard to immigration status
- **Non-Pregnant Adults Medicaid after 10/1/26:**
  - Eligible when granted lawful permanent residency & 5-year bar ends
    - T visa (6-9 yrs) VAWAs (5.3 yrs); SIJS (11.8 yrs); U visa (18.5 yrs)
    - VAWAs and U visas if entered the US before 8/22/96 the wait to subsidized health care is 5 years less
  - **Note T visas exempt from 5-year bar**

How might Clara's and the children's legal immigration options impact their housing, economic security, and access to food assistance?

Public Benefits Eligibility Immigrant Children-MD

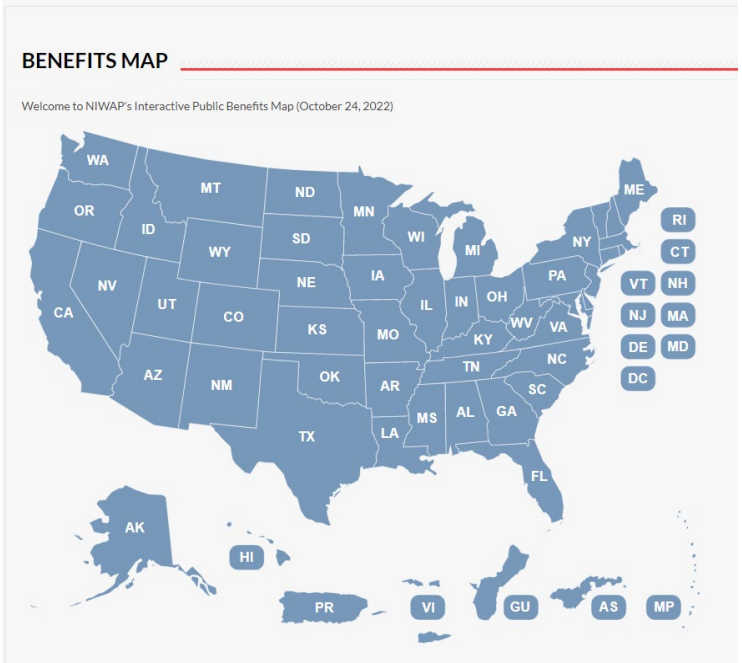


Public Benefits Eligibility Immigrant Adult Survivors - MD



All Maryland residents who filed MD tax returns for 2 years eligible for state issued driver's licenses and IDs.

State-By-State Public Benefits Maps, Charts, and Tables With Citations



Maps by Benefit

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

Questions and Answers

Training Materials & Technical Assistance

- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail info@niwap.org
- **Web Library:** www.niwaplibrary.wcl.american.edu
- **Power Point Presentations and materials for this training:** https://niwaplibrary.wcl.american.edu/washcodss2026/

