

Enhancing Victim Safety: Access to Public Benefits and Services for Immigrant Victims in Nevada

Nevada Coalition to End Domestic and Sexual Violence

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Introduction



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THANK YOU TO OVW

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Join a NIWAP Community of Practice

- NIWAP runs several Communities of Practice that meet virtually to provide peer-to-peer learning opportunities for victim advocates and attorneys serving immigrant victims of domestic violence, sexual assault, dating violence, stalking, and human trafficking.
- Please join & encourage others in your community to join:
- Victim Advocates COP
 - <https://www.surveymonkey.com/r/VictimAdvocateCOPApp>
- Family Law Attorneys COP
 - www.surveymonkey.com/r/FamCOP2023

Learning Objectives

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

- Understand how filing for victim-related immigration benefits enhances access to public benefits safety net services
- Know which publicly funded benefits and services are open to immigrant survivors regardless of their immigration status
- Navigate NIWAP's online benefits map and state-by-state charts to look up state and/or federally-funded benefits and services for which immigrant crime victims qualify

Who is attending this workshop today?

**What
countries
do victims
and
children in
your courts
come from?**



Nevada (2021)*

- ❖ Total foreign-born population – 579,692
- ❖ 18.4% of the country's ~ 3.1 million people are foreign born
 - 54.2% naturalized citizens
 - 30% lawful permanent residents (as of 2019)
 - 15.8% temporary visa holders or undocumented immigrants
- 83.1% rise in immigrant population from 2000 to 2021
- ❖ Length of time immigrants have lived in the U.S.
 - 54.8% entered before 1999
 - 25.1% entered 2000 - 2009
 - 20.1% since 2010
- ❖ 34.6% of children under age 18 have one or more immigrant parents
 - 93.3% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (October, 2023) and Lawful Permanent Resident estimates MPI and DHS (2022)*

Nevada– Countries/Regions of Origin & Limited English Proficiency (LEP)(2021)*

- ❖ Latin America – 53.4%
 - ❖ Mexico (35.9%)
 - ❖ Other Central America (9.2%)
- ❖ Asia – 30.8%
 - ❖ Philippines (15.9%)
 - ❖ China/Taiwan (5.6%)
- ❖ Europe – 6.9%
- ❖ Africa – 3.4%
- ❖ Middle East – 2.8%
- ❖ Canada – 2.2%
- ❖ Oceania – 1%
- ❖ Language spoken
 - ❖ 28.3% of people in the state who speak a language other than English at home
 - ❖ 46.3% of foreign-born persons are LEP - speak English less than “very well”

*Source: *Migration Policy Institute Data Hub (October, 2023)*

Nevada-Languages Spoken at Home (2021)*

- ❖ Spanish (569,094)
- ❖ Tagalog (including Filipino) (84,705)
- ❖ Chinese (including Mandarin, Cantonese) (41,227)
- ❖ Amharic, Somali, or Other Afro-Asiatic Languages (10,889)
- ❖ Korean (10,419)
- ❖ Ilocano, Samoan, Hawaiian, or Other Austronesian Languages (10,053)
- ❖ Vietnamese (10,018)
- ❖ Arabic (8,157)
- ❖ Japanese (8,057)
- ❖ French (including Cajun) (7,205)
- ❖ German (6,223)
- ❖ Thai, Lao, or Other Tai-Kadai Languages (6,010)
- ❖ Russian (5,317)
- ❖ Armenian (5,257)
- ❖ Portuguese (5,104)
- ❖ Persian (including Farsi, Dari) (5,061)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/NV> (October, 2023)

Nevada-LEP (2021)*

- ❖ Limited English Proficiency (Speak English less than very well)
 - ❖ Naturalized citizens – 37.9%
 - ❖ Noncitizens – 56.4%
- ❖ Limited English Proficiency by language spoken at home
 - ❖ Korean (61.5%)
 - ❖ Chinese (55.9%)
 - ❖ Thai, Lao, or Other Tai-Kadai Languages (52.8%)
 - ❖ Vietnamese (52.6%)
 - ❖ Amharic, Somali, or Other Afro-Asiatic Languages (43.5%)
 - ❖ Arabic (40.3%)
 - ❖ Spanish (38.3%)
 - ❖ Japanese (35.8%)
 - ❖ Ilocano, Samoan, Hawaiian, or Other Austronesian Languages (33.4%)
 - ❖ Tagalog (including Filipino) (33.2%)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/NV> (October, 2023)

Role of Lawyers and Advocates – Language Access Advocacy

- Plan and provide notice to the court and agencies in advance about your client's interpretation needs
- Educate other programs about their language access responsibilities
- Build relationships with agencies in your community
- If a police report was not taken in your client's case or it contains misinterpreted information – have the report amended
- File complaints with Federal Coordination and Compliance Section, DOJ, Office of Civil Rights. [Contact the Civil Rights Division | Department of Justice](https://civilrights.justice.gov) at <https://civilrights.justice.gov>

Many Immigrant Victims of Domestic Violence, Child Abuse, Sexual Assault and Other Crimes Are Eligible for Immigration Relief

Question

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

Immigration Protections for Noncitizen Victims of Crime and Abuse

U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS

T VISA CONSIDERATIONS

- ▶ Must be in the U.S. on account of human trafficking
- ▶ Law enforcement declaration is encouraged but not required

If approved, benefit provides:

- Up to four years of temporary nonimmigrant status
- Work authorization
- Access to federal and state benefits and services
- Ability to apply for permanent residency
- Ability for qualifying family members to receive derivative nonimmigrant status, even if not already in the U.S.

VAWA CONSIDERATIONS

- ▶ Have suffered battery or extreme cruelty perpetrated by your U.S. citizen or Lawful Permanent Resident spouse or parent or your U.S. citizen adult son or daughter
- ▶ Petitioners and perpetrators may be of any sex or gender

If approved, benefit provides:

- Lower priority for removal
- Work authorization
- Access to federal and state benefits and services (possibly sooner than approval)
- Ability to apply for permanent residency
- Ability for children of self-petitioning spouses or children to receive permanent residency, even if not already in the U.S.

SIJ CONSIDERATIONS

- ▶ Must be a victim of abuse, abandonment, neglect, or a similar basis under state law by one or both parents
- ▶ Must have a juvenile court order with the required determinations

If approved, benefit provides:

- Ability to apply for permanent residency

If approved, benefit provides:

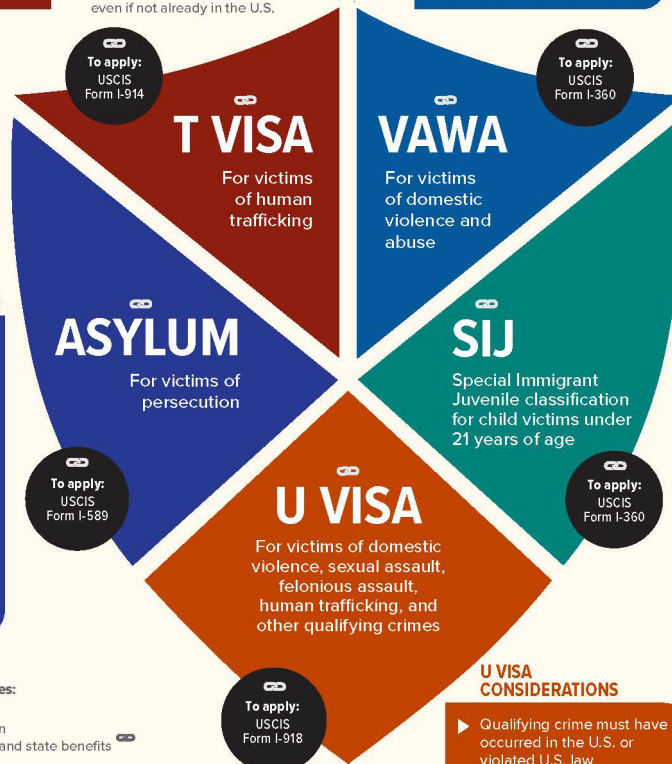
- Up to four years of temporary nonimmigrant status
- Work authorization
- Ability to apply for permanent residency
- Ability for qualifying family members to receive derivative nonimmigrant status, even if not already in the U.S.

ASYLUM CONSIDERATIONS

- ▶ Must fear persecution on account of race, religion, nationality, political opinion, or membership in a particular social group
- ▶ If in removal proceedings, may need to file Form I-589 with the immigration judge

If approved, benefit provides:

- Asylee status
- Work authorization
- Access to federal and state benefits and services
- Ability to apply for permanent residency
- Ability for spouse and children to receive asylum, even if not already in the U.S.



To apply: USCIS Form I-914

To apply: USCIS Form I-360

To apply: USCIS Form I-589

To apply: USCIS Form I-360

To apply: USCIS Form I-918



NIWAP

National American

DHS.GOV/BLUECAMPAIGN

For victim support call 1-888-373-7888 or text INFO or HELP to BeFree (233733)
All U.S. Citizenship and Immigration Services (USCIS) forms can be found at www.uscis.gov/forms/all-forms

Immigration Relief Available for Immigrant Victims of ---

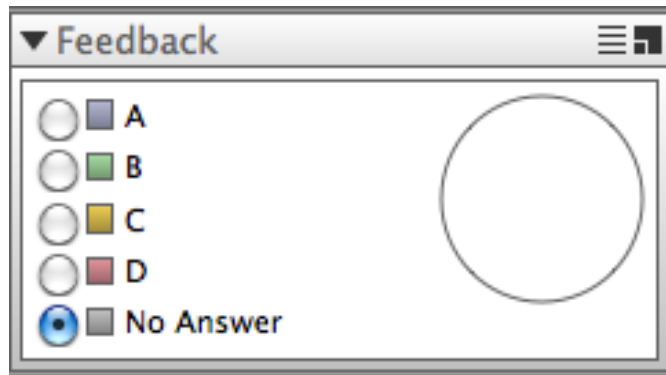
- Domestic violence
 - Child abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
- Slave trade
- Being held hostage
- Fraud Foreign Labor Contracting
- Peonage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

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

Benefits for Survivors

- Protection from deportation
- Access to legal immigration status
- Ability get immigration relief for children
- Financial independence from perpetrator
 - Legal work authorization (6 months to 5 years from filing)
 - Issuance of federally recognized driver's licenses and IDs
 - Increased access to federal and state public benefits
- VAWA confidentiality

Poll 2: Have you worked with survivors who have received...



- A. Threats of deportation from perpetrators
- B. Been contacted by immigration enforcement officials
- C. Both

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

Battered Spouse Waivers

- For domestic violence survivors, provides for waiver of the “condition” placed on the status of immigrant spouses of marriages less than two years old
- Waives both the joint filing requirement and two year wait for full lawful permanent resident status
- Requires proof that
 - Marriage to U.S. citizen or permanent resident entered into in good faith *and*
 - Spouse or child was battered or subjected to extreme cruelty
 - Child can include step-child

Immigration and Nationality Act § 216(c)(4)

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

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

T Visa for Trafficking Victims

- A victim of a severe form of trafficking in persons
 - Sex or labor trafficking involving victim under 18 or and adult subject to force, fraud or coercion
- Victim is physically present in the U.S. on account of trafficking
- Victim must comply with reasonable requests for helpfulness in investigating or prosecuting trafficking.
Exceptions
 - Under age 18
 - Physical or psychological trauma impede helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship

What are Severe Forms of Human Trafficking?

- **Sex Trafficking:** in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- **Labor:** The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

(Federal Law—“Victims of Trafficking and Violence Prevention Act of 2000 can be found at www.ojp.usdoj.gov/vawo/laws/vawo2000/)

Benefits of OTIP Letters

- The Office of Trafficking in Persons (OTIP) at HHS issues
 - Certification Letters to foreign national adults and
 - Eligibility Letters to foreign national children
- OTIP Letters provide access to public benefits, as refugees, for life.
- Must be accepted by Federal and State agencies.

Benefits Impacts - Nevada

- TANF: T visa and VAWA self-petitioners eligible
 - SIJS-LPR (5 years); U-LPR (20+ years)
- SNAP: T eligible – Clara and children
 - Children: VAWA prima facie (3 months), SIJS-LPR (5 years);
 - Clara: VAWA-LPR (63 months); U visa-LPR (25+ yr.)
- Housing: T visa, VAWA self-petition eligible
 - SIJS-LPR (5 years), U visa-LPR (20+ years)
- Education (FAFSA and In-state tuition): T visa
 - VAWA (3 months); SIJS-LPR (5 years), U visa-LPR (20+ years)

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

Access for All

Both documented and undocumented immigrant survivors can access:

- Legal Services
- Family Court (Divorce)
- Language Access
- Police Assistance
- Protection Orders
- Child Custody & Support
- Have Their Abusers
Criminally Prosecuted
- Public Benefits for Their
Children
- Assistance for Crime Victims
- Shelter
- Transitional Housing
- GED
- WIC/school lunch & breakfast
- Primary/Secondary education
- Immunizations
- Emergency medical care
- Care from community &
migrant health clinics
- VOCA

Attorney General's List of Required Services



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

Federal Benefits Available to ALL Immigrants



- Elementary and Secondary education
- School lunch and breakfast
- WIC
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid

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

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



Poll 4: True or False?

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



True



False

When children qualify and their parents/guardians do not:

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

Poll 7: True or False?

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



True



False

Public Charge

- The public charge ground of inadmissibility refers to barring a foreign national from obtaining lawful permanent resident status if he or she is likely to become a public charge (primarily dependent on government subsistence).

List of Exemptions from Public Charge

- VAWA self-petitioners;
- VAWA cancellation of removal;
- VAWA suspension of deportation;
- Battered spouse waiver;
- Abused approved family-based visa applicants (I-130);
- VAWA NACARA,
- HRIFA or Cuban Adjustment;
- U visa;
- T visa applicants and holders*
- Refugees;
- Asylees;
- Special Immigrant Juvenile Status (SIJS);
- (DACA) applicants;
- Amerasians;
- Afghan and Iraqi military translators;
- certain Cuban and Haitian adjustment applicants;
- certain Nicaraguans and Central Americans under NACARA;
- Registry applicants;
- Soviet and Southeast Asian Lautenberg parolees;
- Certain visa holders**;
- Green Card holders

Public Charge Determination

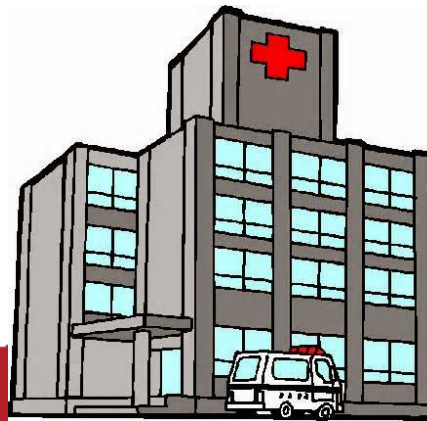
- USCIS will review the following:
 - Non-citizen age, health, family status, financial status (including assets and resources), education, and skills;
 - Form I-864, *Affidavit of Support Under Section 213A of the INA*
 - Whether the person themselves (not a family member) received or are receiving:
 - Supplemental Security Income (SSI); Cash assistance for income maintenance Temporary Assistance for Needy Families (TANF); State or local income assistance “General Assistance”; or Long-term institutionalization at government expense.
- Other public benefits are excluded from the public charge determination – examples include:
 - Food stamps, nutritional assistance, CHIP, Medicaid, public or assisted housing, educational grants and loans

Discussion

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

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



Health Care Open to All Immigrants

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



Federally Qualified Health Centers

- Primary care
- Diagnostic, laboratory and radiological services
- Prenatal care
- Post-assault health care
- Cancer and other disease screening
- Child wellness services
- Emergency medical and dental services
- Mental health treatment
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Substance abuse services

Access to Shelter, Transitional Housing and Permanent Housing



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
- Restating 1996 and 2001 law
- Open to all without regard to
 - Immigration status, citizenship, nationality, language ability

Benefits Available to all Immigrants Include:

- Short-term shelter or housing assistance, 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

Transitional Housing

- When transitional housing meets the in-kind, community level, and life and safety tests
 - Unit is owned or leased by the grantee and used to provide transitional housing
 - Must be open to all; No immigration restrictions
- Exception: Grantee paying rental assistance payments for participant *when regulations require income test*

Access to Shelter, Transitional Housing and Permanent Housing



Poll 8: Do you work with immigrant survivors who need Emergency Shelter and Transitional housing?

Feedback

A

B

C

D

No Answer

A. Yes

B. No

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

Shelter/Transitional/Rapid Re-Housing Open to All persons Without Regard to:

- Immigration status
- Citizenship
- Nationality
- English language abilities

NIWAP Research: Immigrant Victim Transitional Housing Acceptance Rates

Type of Crime	% Accepted	# Accepted	% Denied	# Denied
Domestic Violence	47.1%	1759	52.9%	1979
Sexual Assault	5.8%	29	94.2%	466
Human Trafficking	78.5%	146	21.5%	40
Abused/Abandoned /Run Away Children	80.8%	51	19.2%	12

NIWAP Research: Reasons Immigrant Victims Turned Away From Transitional Housing

Primary Reasons Immigrant Domestic and Sexual Violence Victims Were Turned Away from Transitional Housing		
	Domestic Violence	Sexual Assault
Immigrant victim lacked the required documentation of immigration status	34.4%	99.4%
When documentation was required the program sought evidence of one of the following:		
Documentation related immigration status	84.1%	99.4%
Documentation of current employment or ability to work	56.0%	98.9%
An employment authorization document as proof of legal work authorization	52.9%	98.9%
Did not have a driver's license*	45.0%	98.8%
Program required documentation that the victim did not have	33.2%	87.0%
Immigrant applicant was undocumented	25.6%	90.0%
Immigrant victim did not meet the formal income requirements	23.7%	85.8%
The battered immigrant applicant failed to present government issued I.D.	18.3%	86.1%
They were told that the evidence presented of being self-sufficient was insufficient	9.0%	85.7%
They were not a victim of domestic violence	n/a	85.6%
They did not speak English	2.9%	3.1%

HUD Stated in 2001

- Both emergency shelter and transitional housing are:
 - Necessary to protect life and safety
- Transitional housing is by its nature:
 - Short-term
 - A bridge toward permanent housing

NNEDV/OVW Admission Criteria

- Survivor actively fleeing abusive relationship or situation (e.g., employment, housing where rape occurred)
- 18 or older or legally emancipated
- Willing and desiring to participate in transitional housing program and meet with staff on mutually determined schedule
- Willing to create individualized safety plan with help of victim advocate
- Able to live 24/7 independently

Evidence of Victimization or Homelessness: Examples

- Victim's statement
- Police reports
- Medical or court records
- U-Visa/VAWA application
- Photographs, recordings of abuse
- Protection order
- Evidence of poor rental history/evictions

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

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



Children and Crime Victims Qualified to Receive Public Benefits— Common Examples

- Qualified Immigrants benefits eligible
 - Lawful permanent residents
 - Includes U visas and SIJS
 - Refugees/Asylees
 - VAWA self-petitioners
 - Trafficking victim with
 - Continued presence or
 - Bona fide determination in T visa case
- Not generally benefits eligible some variation by state
 - Asylum applicants
 - DACA recipients
 - U visa applicants & recipients
 - Work/Student visa holders
 - Undocumented

Qualified Immigrant Access to Federal Public Benefits

- All qualified immigrants can access some federal public benefits
 - Which benefits they can access depends on:
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs
 - What benefits are offered by the state

Federal Benefits Immigrant Restrictions

- Only programs that as a matter of law have immigrant restrictions are those categorized as:
 - “federal public benefits,” “state public benefits” or
 - “federal means-tested public benefits”
- Not a federal or state benefits unless payment is made directly to:
 - An individual
 - A household
 - A family eligibility unit

Examples of “Federal Public Benefits”

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

Who are “Qualified Immigrants”?

- Lawful permanent residents
- Refugees and asylees
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Trafficking victims filing for or with T visas
- Persons granted conditional entry
- Persons paroled into U.S. one year or more
- Persons granted withholding of deportation or cancellation of removal
- VAWA: Persons who (or whose children) have been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent

Survivors of Human Trafficking

- To be eligible for benefits, survivors of trafficking:
 - Must be children with an OTIP letter; *Or*
 - Must receive certification from the Office of Refugee Resettlement (ORR) that they are eligible for benefits as victims of trafficking
 - Based on having received a
 - Bona fide determination in their T visa case or
 - Continued presence
- Benefits agencies must accept ORR certification letter in place of typical Immigration documentation
- Also eligible for refugee programs
- OTIP children are assigned case workers

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

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

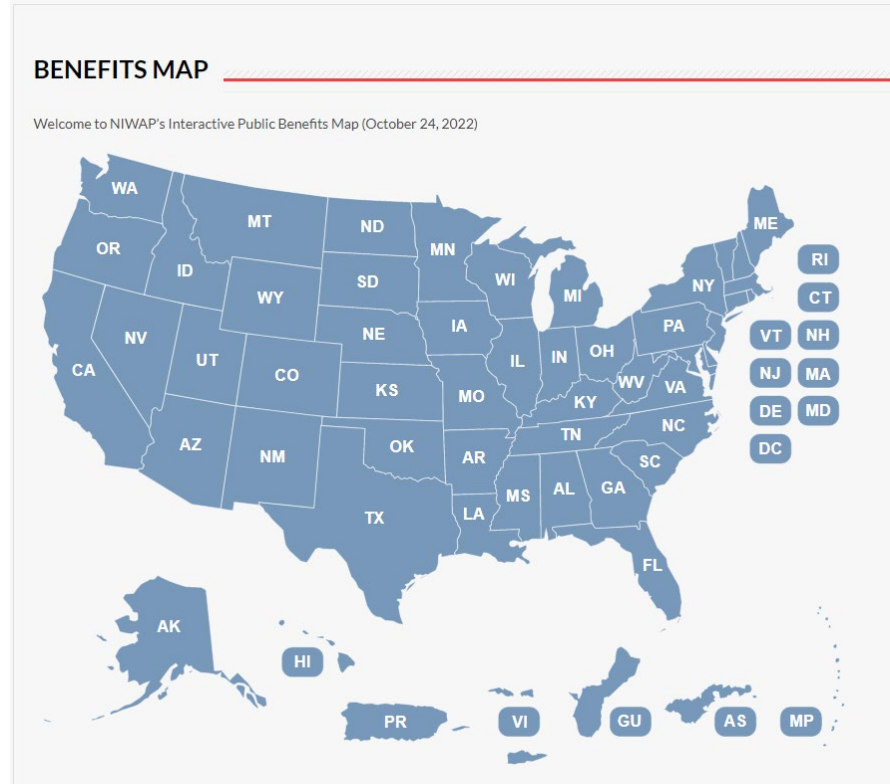
Interactive Public Benefits Map

Hide fields Filter Group Sort ...

	Ben...	STATE & TERRITORY	Benefit Name	VAWA Self-Petitioner
1	309	Florida Public Benefits	Child Care - TANF Funded	Eligible for TANF funded child care if receiving TANF.
2	308	Florida Public Benefits	Child Care: Child Care Development Fund (CCDF)	Eligible for CCDF
3	310	Florida Public Benefits	Children's Health Insurance Program (CHIP)	Eligible up to age 19 upon prima facie determination. ...
4	311	Florida Public Benefits	Earned Income Tax Credits (EITC)	Eligible with conditions upon receipt of work ...
5	313	Florida Public Benefits	Emergency Medicaid	Eligible.
6	315	Florida Public Benefits	Family Medical Leave Act - State Law	No state law, federal law applies.
7	316	Florida Public Benefits	Federal Education Student Aid, Grants, and Loans	Eligible upon prima facie determination.

30 records um 13017

Airtable Download



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

Maps by Benefit

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

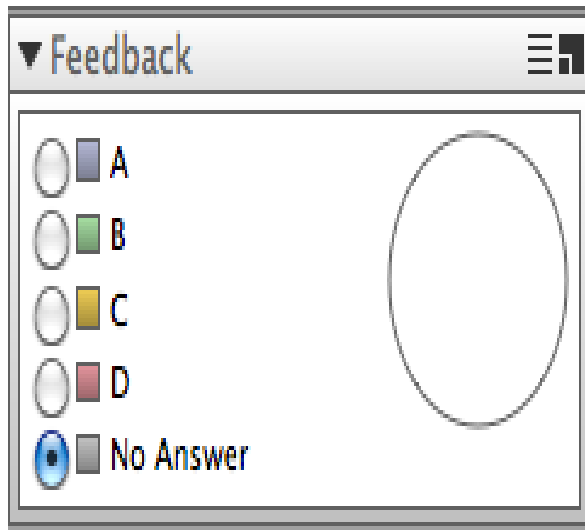
Importance of Accompanying Immigrants in Applying for Public Benefits

- Help educate state benefits workers
- Accompanying immigrant applicants helps
 - Children and survivor get what they are legally entitled to access
 - Varies by state, immigration status, benefits program
 - Helps undocumented parents/guardians file for benefits for their eligible citizen and immigrant children
 - State welfare worker reporting requirements

Importance of Accompaniment

- Federal Reporting Requirements
- Widespread Problems Nationally
 - Turned away at the door
 - No language access
 - Denied benefits for citizen children
 - VAWA eligible denied benefits
 - state benefits
- Need witnesses and documentation of treatment by benefits workers

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



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

What to Bring with you to Advocate

- The Law indicating the benefit (you can find it on NIWAP's Public Benefit Map)
- Check also <https://www.benefits.gov/>
- Documentation of income eligibility
 - See links by program on state screening charts
- Documents from DHS
 - If eligibility requires immigration status



Public Benefits Eligibility by States

Poll 6: DHS requires universities to ask about the immigration status of applicants or enrolling students.



True



False

Benefits in Nevada

- TANF
 - Refugees, T visas & Continued Presence (CP), and VAWA self-petitioners eligible
 - SIJS-LPR (5 years)*; U-LPR* (25+ years)
- Child care
 - TANF same as above
- SNAP:
 - Children, Elderly or Disabled:
 - VAWAs (5-year), T visas/CP (ORR Letter), LPRs (SIJS & U visas)

Benefits in Nevada

- Health Care
 - Exchanges: VAWA, CP, T visa, SIJS applicants, U visa bona fides
 - CHIP until 21: VAWAs, CP, T visa, U visa bona fides, SIJS filed
 - Full scope adult Medicaid: CP, T visa (ORR Letter)
 - VAWAs, U visa bona fide & SIJS
 - Only if pregnant or after 5-year bar.
- SSI (most limited): CP, T visa (ORR Letter)
 - VAWA & SIJS, U visa Need LPR +5 year bar+ 40 quarters work

Benefits in Nevada

- Education
 - Federal and State: VAWA, T visas/CP (ORR letter), LPRs (SIJS & U visas)
 - State: Other immigrants not eligible in Nevada for state funded post-secondary educational grants and loans.
- Driver's License
 - Federally recognized – upon work authorization
 - VAWA approved, T visa bona fide, CP, U visa bona fide, SIJS –LPRs, DACA
 - State issued – 1 year (renewable) with proof of Identify, age & residency
- Professional & Occupational Licenses:
 - To all persons without regard to immigration status.
 - Individual Taxpayer Identification Number (ITIN) or a Social Security Number (SSN).

Benefits in Nevada

- Housing
 - Transitional – all victims + homeless + abused children
 - Public and Assisted: VAWA applicants, T visas/CP (ORR Letter) , LPRs (SIJS/U visa)
- LIHEAP
 - Weatherization everyone
 - LIHEAP – VAWA, T visa/CP (ORR Letter), LPRs (SIJS & U visas)
- FEMA
 - Emergency assistance: everyone
 - Individual Households Program; Individual & Family Grant Program; & US Small Business Administrations Loans
 - VAWA, T visa, CP, LPRs (SIJS & Us)
 - Disaster Unemployment Assistance: Requires work authorization

Non-Work SSNs

Example VAWA Self-Petitioners

- HUD regulations require that public and assisted housing recipients provide a Social Security Number.
- VAWA self-petitioners can request a non-work social security number from SSA.
- The victims' advocate or attorney should simultaneously request that the Public Housing Authority which received the victims' application for public or assisted housing issue a letter that the victim can request a non-work social security number from SSA.

Individual Taxpayer Identification Number (ITIN) Purpose

- A tax-processing number issued by the IRS to ensure that people pay taxes even if they do not have a Social Security number (SSN) and regardless of their immigration status.
- Complying with federal tax laws.
- Can open an interest-bearing bank account.
- Helps secure a driver's license.
- Proof of “good moral character” for immigration applications
- Immigrants can use tax returns to document their work history and physical presence in the U.S. in future immigration applications

Web Page Materials

- Materials

<https://niwaplibrary.wcl.american.edu/august-2024-reno-nevada-enhancing-victim-safety/>

- Public Benefits Training Materials

- NIWAP's public benefits map and state-by-state charts
- Benefits Open to all Immigrants -Brochure
- State Benefits Charts
- Brochure: Immigrant crime victims and public charge
- Privacy protections and benefits reporting requirements
- And more...

Technical Assistance and Materials

- NIWAP is a national organization that provides various services to professionals who work with immigrant women, children, and crime victims.
- NIWAP offers training, legal and social science research, policy development, and technical assistance to a wide range of professionals, including advocates, attorneys, local law enforcement, social services, etc.
- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org

NIWAP Web library

niwaplibrary.wcl.american.edu



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