

National Judicial Network Forum on Human Trafficking and Immigration in State Courts

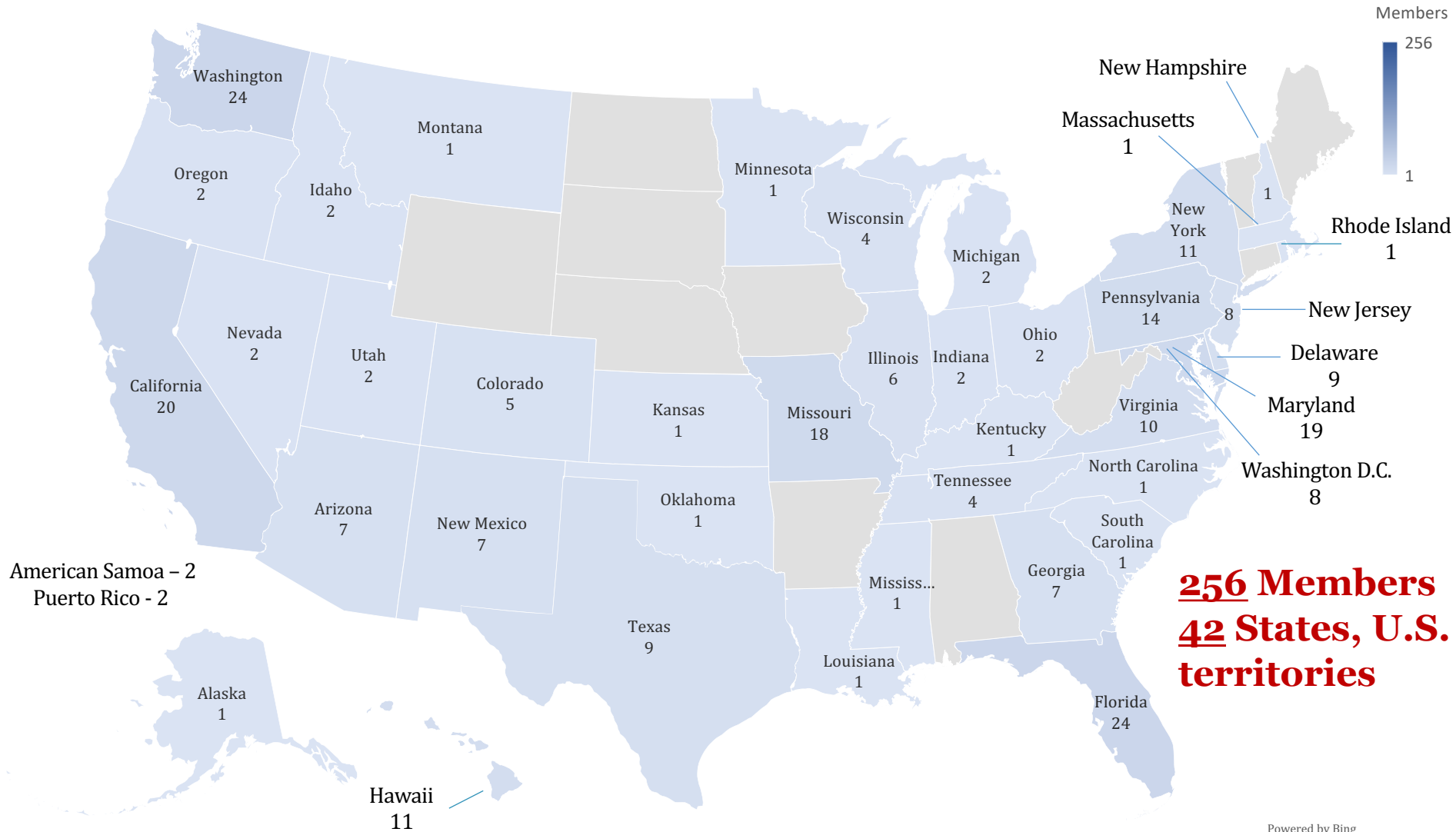
**Using Public Benefits Map & Charts to Improve
State Court Orders in Crime Victim Cases**

September 12, 2023

Thank You to SJI

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State Representation in The National Judicial Network as of September 12, 2023



256 Members
42 States, U.S.
territories

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Reminders About Today's Presentation

- Please note that today's session will be recorded.
- You can find useful materials like the PowerPoint presentation and recording from this presentation at the following webpage:

<https://niwaplibrary.wcl.american.edu/njn-public-benefits-sept-12-2023>

Upcoming Peer-to-Peer Sessions & Webinars

October 10, 2023 (Webinar) - *Screening for Human Trafficking in Domestic Violence Relationships: How OTIP Letters and Certifications Can Enhance Access to Public Benefits and Services for Survivors of Trafficking*

November 7, 2023 (TBD)

December 5, 2023 (Webinar) - *Lets Put Science First: Assessing Predatory Helpfulness and Coercive Control to More Accurately Understand Domestic Abuse and Sex Trafficking*

Today's Faculty



Leslye E. Orloff

*Adjunct Professor,
Director, NIWAP,
American University,
Washington College of
Law*



Rafaela Rodrigues

*Immigrant Women Law and
Policy Fellow, NIWAP
American University,
Washington College of Law*

Learning Objectives:

At the end of this Peer-to-Peer Session, you will be better able to:

- Understand how filing for victim-related immigration benefits enhances access to public benefits, safety net services
- Identify all of the public benefits and services an immigrant child or crime victim before the court is legally eligible to receive
- 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 children or crime victims may qualify

Large Group Discussion



Why is information about what public benefits immigrant victims and children can access in your state is important for judges to know?

Let's Make a List

- In what types of court proceedings have you ordered or directed someone to seek, obtain, looked into seeking a state or federally funded public benefit or service?
- In your cases involving domestic violence, child abuse, or human trafficking are there any additional examples that come to mind?

Why is it Important for judges?

- Ordering or directing survivors and children to seek state or federally-funded public benefits.
- Enhancing the economic stability of survivors and their children.
- Ensuring compliance with federal laws regarding eligibility for public benefits

Immigration Enforcement Reporting Requirements

- Federal laws do not require state and federal government employees who do not work for the Department of Homeland Security to participate in immigration enforcement
- Exceptions
 - Public benefits agency staff
 - Specific law enforcement officials working under 287(g) agreements with Department of Homeland Security

Public Benefits Agency Reporting DHS Requirements

- SNAP and TANF programs staff are required to make reports to DHS about
 - Immigrants who seek TANF or SNAP for their own use; AND
 - TANF or SNAP makes a formal finding that they “know” the immigrant is not lawfully present in the U.S. ; AND
 - That finding is based on a DHS or immigration judge determination that the immigrant benefits applicant is unlawfully present
 - Requires a final order of deportation
 - <https://niwaplibrary.wcl.american.edu/pubs/limits-on-required-government-agency-reporting>

Access for All

Both documented and undocumented immigrant survivors can access:

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

Attorney General's List of Required Services

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



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

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



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.

To apply:
USCIS
Form I-914

T VISA

For victims of human trafficking

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.

To apply:
USCIS
Form I-360

VAWA

For victims of domestic violence and abuse

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

ASYLUM

For victims of persecution

To apply:
USCIS
Form I-589



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.

U VISA

For victims of domestic violence, sexual assault, felonious assault, human trafficking, and other qualifying crimes

To apply:
USCIS
Form I-918

U VISA CONSIDERATIONS

- ▶ Qualifying crime must have occurred in the U.S. or violated U.S. law
- ▶ May apply from the U.S. or while abroad
- ▶ Must have law enforcement certification



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.

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

To apply:
USCIS
Form I-360

SIJ

Special Immigrant Juvenile classification for child victims under 21 years of age



Center for Countering Human Trafficking

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

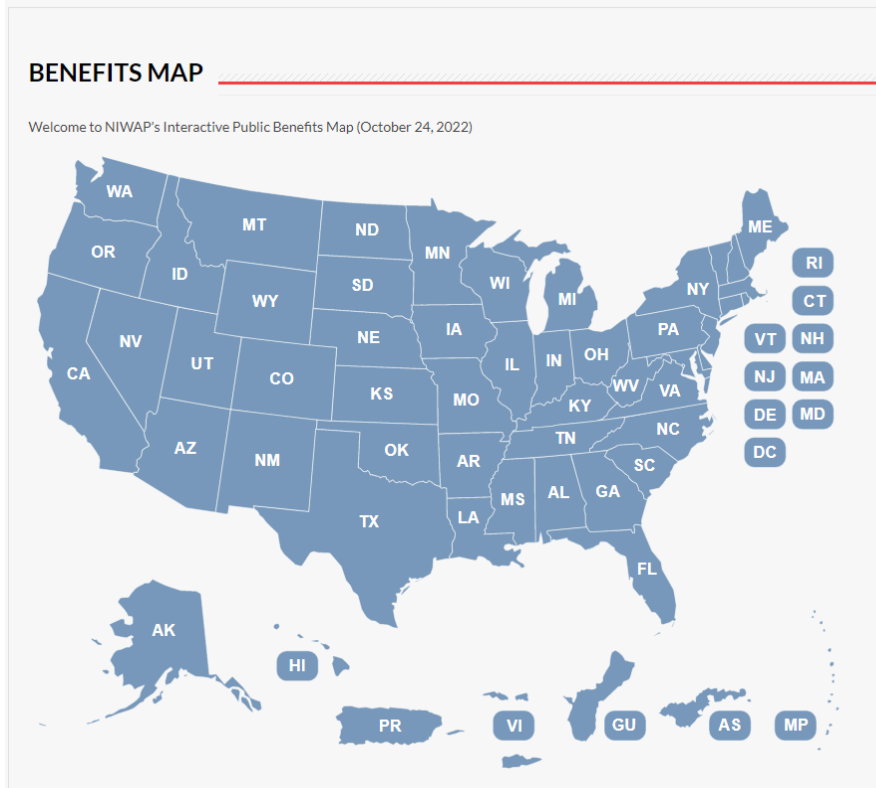
Interactive Public Benefits Map: State-By-State

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.

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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

Hypothetical #1 - Housing

- Mixed-status family lives in public system housing. When domestic violence happens...
 - VAWA Self-Petition
 - Compared to other forms of crime victim based immigration relief
 - Housing Subsidy Calculation in VAWA cases

Interactive Map Demonstration Housing

- Let's look up for Missouri
- Who gets access to life and safety services including shelter and transitional housing
- Who gets access to public housing and vouchers

Housing Eligibility

- Emergency shelter and transitional housing
 - All persons without regard to immigration status
- Public and Assisted Housing Including Section 8 Vouchers
 - VAWA self-petitioners – upon filing the self-petition
 - T visas – with bona fide determination or a T visa
 - Currently 18 months post filing
 - Special Immigrant Juvenile Status – child eligible upon receipt of lawful permanent residency \approx 3 years
 - U visa – at lawful permanent residency \approx 20 years

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

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

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

Hypothetical #2 Court Orders Regarding Healthcare and Insurance

- Court orders regarding
 - Health insurance coverage for children, crime victims, spouses
 - The % of healthcare costs not covered by insurance that each parent of a child will pay
 - If no employer provided insurance
 - Purchase of healthcare for children on the exchanges
 - Sign up for SCHIP and/or Medicaid
- Looking up whether immigrants qualify

Health Care Open to All Immigrants

- Community and migrant health clinics
 - www.nachc.com
 - www.hrsa.gov
 - Enter zip code
- State funded programs
- Post-assault health care paid by VOCA
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid



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

Lawfully Present Immigrant Access to Health Care Exchanges and Subsidies –partial list

- Qualified immigrants
- Visa holders who have not violated the terms of their visas
- Parolees
- SIJS children
- Deferred action
- Immigrants with pending applications for lawful permanent residency
- Asylum/Convention Against Torture applicants with work authorization
- Temporary protected status

Immigrants and the Affordable Care Act

- Citizen or lawfully present children and adults
 - Are eligible to purchase health care on the exchanges
 - May purchase child-only coverage on state insurance exchanges
 - May be eligible for Medicaid or CHIP
 - May be eligible for prenatal care

Immigrant Eligibility For Subsidized Healthcare

- Federal law – Qualified Immigrants
 - Pre 8/22/96: entrants eligible
 - Post 8/22/96: 5-year bar unless state-funded
- State funding for healthcare subsidies for lawfully residing immigrants
 - Most states up to 18-year-old children 33 states
 - Prenatal care 18 states
 - Healthcare for pregnant women 25 states
 - Adult health care
 - For battered immigrants (IL, NM)
 - For qualified immigrants during 5-year bar
 - (CA, MA, NY)
 - Persons with pending immigration cases (CA, MA, NM, NY)
 - All DC residents
 - All lawfully residing immigrants PA

Interactive Map Demonstration Health Care

- Let's look up state funded healthcare subsidies
 - States – North Carolina & California
 - Who gets child healthcare subsidies
 - Who gets prenatal care
 - Do pregnant women get full subsidized health care as well
 - Which non-pregnant adults get health care

Hypothetical # 3

Economic Relief for Mother and Child

A young immigrant woman came to the U.S. and was forced into prostitution. After enduring years in this situation, she managed to escape from her trafficker. Subsequently, she began a relationship with another man, a U.S. citizen, and they had a child together. The husband eventually became abusive towards her. As a result, she now seeks a protection order and custody of their child through your Court.

She needs benefits and economic support to be able to leave her abuser and support herself and her child.

- What public benefits would she need for herself and her child?
- Which immigration benefits is she eligible for?

Interactive Demonstration

Public Benefits to Seek

- Let's look at Utah and New Jersey
- Food Assistance
 - WIC
 - Food Stamps - SNAP
- Child Care
- TANF
- Job training
- Shelter/Transitional Housing

Benefits of OTIP Letter

- 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.

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

Socio-Economic Impact After Receiving Work Authorization and Deferred Action

- 300% increase in jobs that pay at least minimum wage
- 542% increase in formal sector jobs that deduct taxes
- 43% security jobs with health insurance, sick leave, vacation pay
- 114% increase in willingness to trust the police
- 36% make police reports regarding future crimes
- 6.6 fold increase in victim's involvement in their children's schools

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)

Public Charge

- It is important to note that victims who file the following cases are exempt from public charge
 - VAWA self-petitioners
 - VAWA cancellation of removal
 - Battered spouse waivers
 - U visa cases
 - T visa cases
 - Special Immigrant Juvenile Status

Questions and Answers



Thank You for Joining Us!

- Materials for this webinar and the webinar recording are available at:
<https://niwaplibrary.wcl.american.edu/bostonbenefits>
- If you are a judicial officer, join the National Judicial Network!
 - <https://www.surveymonkey.com/r/VGY9VJM>

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- Please don't forget to complete the evaluation at the end of the session!
- Link to the survey:
 - <https://www.surveymonkey.com/r/9XQ6MHK>
- We will also send the link in a separate email after the session.