

Webinar: Serving Immigrant Survivors Best Practices: Part III

*Tips and Tools for Helping Immigrant
Survivors Access Public Benefits They
are Legally Eligible to Receive*

National Network To End Domestic Violence
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Introductions



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Learning Objectives

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

- Identify the full range of benefits for which immigrant survivors and their children are eligible in your state
- Use NIWAP's public benefits maps, charts, and tools to screen for eligibility and locate/download laws and policies you need to advocate for eligible survivors
- Accompany immigrant survivors applying for benefits they and/or their children qualify for

Poll: Let's see who is on the webinar with us

Please check the box that best describes you:

- A. Victim Advocates
- B. Coalition Staff
- C. Attorneys
- D. Systems based advocates – victim witness staff
- E. Other – type in the chat



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



Immigrant Benefits Classifications

- Citizens
- “Qualified Immigrants”
 - Entering U.S. before Aug. 22, 1996
 - Entering U.S. on or after Aug. 22, 1996 subject to 5 year bar on federal means tested public benefits
 - (e.g. TANF, Medicaid, Child Care, SSI, Food Stamps)
 - Can access federal public benefits that are not means tested
 - (e.g. public and assisted housing, FAFSA student grants/loans)
- Lawfully Present
 - Health care access is provided and states can opt to offer certain federal or state funded benefits to lawfully residing immigrants (most often prenatal and child health care)
- PRUCOL (Permanently Residing Under Color of Law)
- Undocumented Immigrants

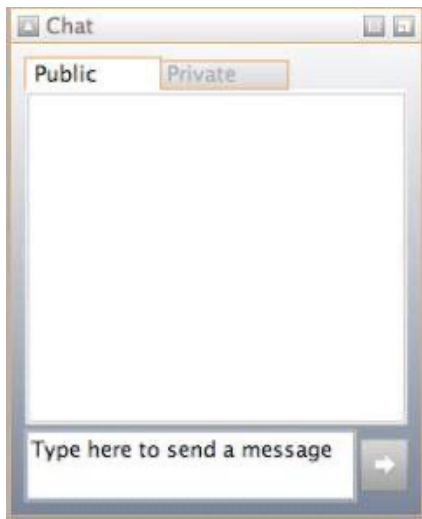
Federal Benefits Immigrant Restrictions

- 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

What are examples of programs unrestricted programs that immigrant domestic and sexual violence survivors can access?



Examples of Assistance That is Not Restricted

- VOCA
 - Legal Services
 - Transitional Housing
 - LITHC Housing
 - Emergency Medicaid
 - Public health clinics
 - FEMA disaster relief
 - WIC
- View prior webinars in this series
 - [Add link here](#)

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

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, cancellation/suspension
 - Trafficking victim with
 - T visa
 - 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
 - Diplomatic/Religious visa holders
 - Undocumented

Who are “Qualified Immigrants”?

- Lawful permanent residents
- Refugees/asylees/Afghans with humanitarian parole
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Trafficking victims with T visas/bona fide determinations
- 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
 - Spouse/parent/21+ son/daughter of a U.S. citizen or
 - Spouse/parent of a lawful permanent resident

Immigration Relief Expands Benefits Access

VAWA self-petition

- Prima facie = Qualified Immigrant
- Self-petitioner and children

Battered spouse waiver

- Qualified Immigrant
- Maintain eligibility
- Avoids deeming

Continued Presence

- Benefits access like refugees
- Need HHS certification/eligibility letter

T visa

- Benefits access like refugees
- Qualified Immigrant with bona fide determination or T visa

Family Based Visa Petition

Approved + Battering or Extreme Cruelty

- Federal public benefits for approved spouses/children
- Not VAWA filing required

U visa

- Lawfully present = bona fide determination or waitlist approval
- Qualified immigrant upon lawful permanent residency

Special Immigrant Juvenile

- Health care due to lawful presence upon filing
- Qualified Immigrant upon approval and receipt of lawful permanent residency

Additional requirements for a battered immigrant spouse or child to be a “qualified immigrant”:

- The child’s immigrant parent must not have actively participated in the battery or cruelty
- The battered immigrant or child no longer resides in the same household as the abuser.
 - Public and assisted housing can get benefit then remove abuser
- There must be a “substantial connection” between the battery or extreme cruelty and the need for the public benefit sought
 - Public and assisted housing exception

“Substantial Connection” Between Need for Benefits and Abuse Exists When

- Access to benefits helps ensure the safety of the survivors, their children or a parent
- A survivor had to leave her job for safety reasons
- The survivor loses a dwelling or a source of income following separation
- The survivor needs medical attention or mental health counseling or has become disabled
- The survivor’s fear of the abuser jeopardizes the survivor’s ability to take care of her children

“Substantial Connection” Exists When Public Benefits Are Needed...

- To alleviate nutritional risk or need resulting from the abuse or following separation
- When the survivor has lost her job or earns less because
 - of the battery or cruelty or
 - because of involvement in legal proceedings
- To provide medical care during a pregnancy resulting from the relationship with the abuser
- To replace medical coverage or health care services lost following separation.

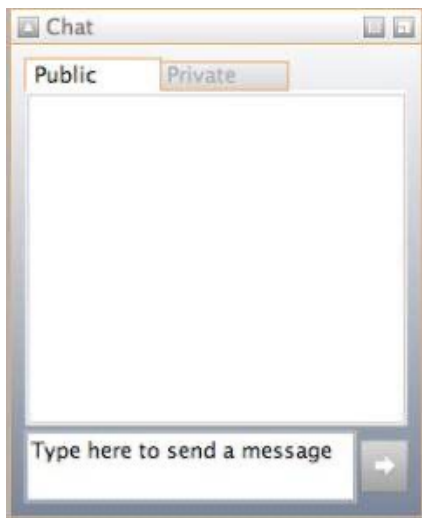
Partial List of Federal Public Open to All “Qualified Immigrants”

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

Immigrants with Work Authorization

- Victims get work authorization earlier than legal status
- Many immigrants with work authorization qualify for:
 - Federally recognized driver's licenses and IDs
 - Unemployment insurance,
 - Earned Income and Income Tax credits,
 - CAREs Act Refunds

What are the public benefits
(aside from housing) that
the immigrant domestic and
sexual violence survivors
you work with most need?



The Five Year Bar

- Due to 1996 welfare reforms, qualified immigrants, including battered immigrants, that enter the United States after August 22, 1996 are ineligible for “federal means-tested public benefits” for the first five years of holding qualified status.
- Certain immigrants are not subject to the five year bar including:
 - Refugees,
 - Asylees
 - Amerasian immigrants
 - Cuban/Haitian entrants,
 - Immigrants granted withholding of deportation
 - Victims of severe forms of human trafficking

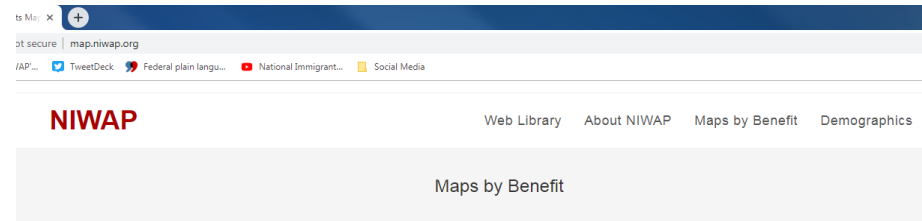
Federal Means-Tested Public Programs Have Most Limited Immigrant Access:

- **TANF**
 - 5 yr. bar if entered the U.S. after August 22, 1996
- **Food Stamps**
 - “Qualified Immigrant” children and pre 8/22/96 adults
 - Post August 22, 1996 entrant adults have 5 year bar
- **SSI**
 - Lawful permanent residents only if 40 quarters or work credit + “qualified immigrant” status and 5 year bar if entered the U.S. after August 22, 1996
 - Refugee
 - Trafficking victim
 - Veteran and “qualified immigrant” spouses, children
- **Medicaid and Child Health Insurance Program**
 - Health Care reform opened up access to immigrants who are “lawfully present” for purchase on health care exchanges
 - Subsidies post 8/22/96 = 5 year bar unless state funded

1996 Laws Created State Options

- States have the option to
 - Provide state funded benefits to immigrants
 - Including but not limited to during 5 year bar
 - Place additional eligibility requirements on access to federally funded public benefits for immigrants in the state

Interactive Public Benefits Map



NIWAP

Web Library About NIWAP Maps by Benefit Demogr

Legal Services

Maps by Benefit

These maps break down available public benefits based on immigrant's state and immigration status.

We are still working on this site, so if you cannot click on your state, check back soon for completed maps.



Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.

[Go to Map](#)



Child Care

Child Care services may be provided through public benefits.

[Go to Map](#)



Children's Health Insurance Program

Medical assistance is available to children through the Children's Health Insurance Program (CHIP).

[Go to Map](#)



Driver's License

State-specific requirements to be issued a driver's license.

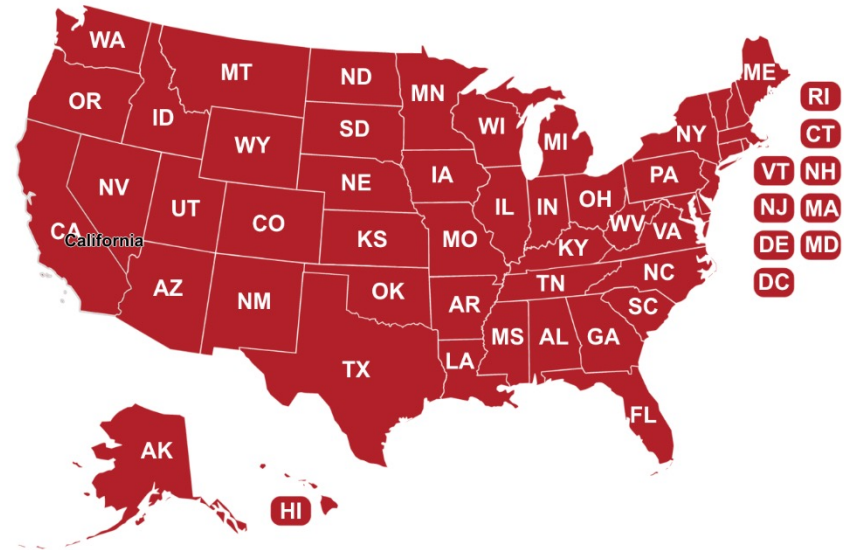
[Go to Map](#)



Earned Income Tax Credit



Emergency Housing & Safety Programs



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

A GUIDE TO THE PUBLIC BENEFITS MAP



HOW TO DETERMINE
PUBLIC BENEFITS
ELIGIBILITY BY STATE AND
IMMIGRATION STATUS
FOR IMMIGRANT CRIME
VICTIMS AND
TRAFFICKING SURVIVORS

STEP ONE

TO START, BEGIN BY
ACCESSING THE NIWAP
WEBPAGE AT:
[HTTP://MAP.NIWAP.ORG](http://map.niwap.org)



STEP TWO

SEARCH BY...

BENEFIT

ONCE YOU'RE ON THE WEBPAGE,
SEARCH BY THE PUBLIC BENEFIT
YOU'RE INQUIRING ABOUT.
WHEN YOU SEE IT, SELECT "GO
TO MAP."



Cash Assistance (TANF)

Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.



[Go to Map](#)

STEP THREE

SEARCH BY...



SELECT THE STATE
FOR WHICH YOU
LIKE TO SEE
ELIGIBILITY
INFORMATION.

NOW THAT THE STATE HAS
BEEN SELECTED, SEARCH BY
THE CRIME OR TRAFFICKING
VICTIMS' IMMIGRATION CASE
TYPE OR STATUS, SCROLL TO
THE BOTTOM OF THE PAGE,
YOU WILL SEE VARIOUS
RESPONSES AS TO
ELIGIBILITY.

STEP FOUR SEARCH BY...

STATUS

Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License
- Earned Income Tax Credit
- Emergency Housing & Safety Programs
- Emergency Medicaid
- Federal Education Benefits
- FEMA Assistance
- FEMA Restricted Programs
- Food Stamps
- Forensic Costs Coverage
- Income Tax Credits
- Legal Services
- Medicaid
- Post-Assault Healthcare
- Prenatal Care
- Purchasing Health Insurance on the Exchanges
- State Education Benefits
- Supplemental Security Income
- Weatherization & Energy Assistance
- WIC
- Unemployment (coming soon)

STEP FIVE

THE QUICK ANSWER

- Eligible
- Eligible with Conditions
- Not Eligible

Next to the immigration case type/status, it will read "eligible," "eligible with conditions," or "not eligible." This speaks to an immigrant's eligibility for the selected public benefit in the state.

Asylee: Eligible

T Visa Holder: Eligible

T Visa Bona Fide: Applicants and Family members: Eligible with conditions

Continued Presence: Applicants and Family members: Eligible with conditions

Deferred Action for Childhood Arrivals (DACA): Not eligible

"Eligible with conditions" means the immigrant is eligible, but is subject to additional requirements before being able to access the benefit.

IF YOU WANT TO KNOW WHAT THE "CONDITIONS" ARE, OR WANT TO ACCESS THE CONTROLLING LAW, THAT INFORMATION IS AVAILABLE TO YOU. FOLLOW THE LINK TO THE STATE SPECIFIC CHART AT THE BOTTOM OF THE PAGE.

NEED MORE INFORMATION?

NEXT STEPS

Link to NIWAP Benefits Map-Charts-Detailed Citations

- <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts>
- State benefits comparison chart:
 - <https://niwaplibrary.wcl.american.edu/pubs/state-benefits-comparison-chart>

Resources:

Benefits for Immigrant Survivors

- <https://niwaplibrary.wcl.american.edu/public-benefits-training-materials>
- Materials by benefit
- State by state charts
 - VOCA funded post assault health care
 - Emergency Medicare
 - Forensic Exams
 - Prenatal Care

TANF and TANF Child Care – State Funded Benefits During 5 Year Bar

- T – Visa Bona Fide or Continued Presence
 - All states
- Qualified immigrants or Qualified Abused Immigrants = 19 states (1 state domestic violence victims)
 - VAWA Self-Petitioners (3 months)
 - SIJS lawful permanent resident (1 year)
 - U visa lawful permanent residents (18+ years)
- U Visa bona fide/waitlist (3-5 years) = 7 states
 - Preparing to file (Another 3 states)
- SIJS applicants = 7 states

Federal TANF Funded Child Care

- “Qualified immigrants” who entered the U.S. before Aug. 22, 1996.
- 5 year bar applied to all other qualified immigrants
- Refugees and asylees
- Persons granted withholding of removal
- Amerasian immigrants
- Cuban/Haitian entrants
- Survivors of trafficking and their children
- Veterans and active duty military personnel, their spouses, un-remarried surviving spouses, and children, who are “qualified” immigrants

Child Care: Immigrant Restrictions Depend on Funding source CCDF vs. TANF

Child Care Development Fund

- Only the citizenship/immigration status of the child considered (child is the primary beneficiary of the child care benefit)
- Open to “qualified immigrants” and victims of trafficking and their children
- CCDF child care open to all without immigration restrictions if
 - Subject to public educational or Head Start standards, or
 - Eligibility determined by a non-profit organization
- CCDF parents have the right to choose their child care provider, (e.g. relative, a family child care home, or child care center)
- Provider may be required to have an SSN
- State agencies *cannot require* an SSN from persons seeking CCDF-funded child care and cannot deny the benefit to families that do not provide an SSN (even if TANF funds included in CCDF)

Federal SNAP (Food Stamps)

- Qualified immigrant children under 18 regardless of date of entry
 - Children included in VAWA self-petitions
 - T visa bona fide
 - SIJS children with lawful permanent residency
- Qualified immigrants who receive a disability benefit, regardless of date of entry
- Qualified immigrants living in the US for five years
- Trafficking victims adults and children
 - With HHS certification
 - T bona fide and Continued Presence

State Funded SNAP

- VAWA self-petitioners
 - CA, CT, ME, MN (50+), WA
- U visa applicants
 - CA, IL, ME, MN (50+), WA
- T visa applicants
 - All states

Immigrants and Health Care Reform

- Naturalized citizens same as U.S. Born Citizens
- Legal Immigrants
 - Subject to individual mandate and tax penalties (unless low income)
- Lawfully present immigrants
 - May purchase from state insurance exchanges (no wait)
 - Eligible for tax credits & cost-sharing reductions (no wait)
 - Eligible for state's temporary high risk pools and basic health plans
 - 5 year bar to Medicaid for qualified immigrants low income non-pregnant adults
 - State option to provide Medicaid to lawfully present pregnant women and children

Health Care Reform Has No Effect On:

- Undocumented immigrants
 - Exempt from individual mandates
 - Cannot purchase from state insurance exchanges & no tax credit
 - No Medicare, Medicaid or CHIP
 - Only
 - HHS funded unrestricted health care
 - Emergency Medicaid
 - VOCA

Immigrants and Health Care Reform

- Citizen or lawfully present children of undocumented immigrant parents
 - May purchase child-only coverage on state insurance exchanges
 - Are eligible for premium tax credits and reduced cost-sharing
 - May be eligible for Medicaid or CHIP

State Option -- Medicaid and CHIP for “lawfully residing” children and pregnant women

- Lawfully present + Medicaid state residency rules
- Lawfully present =
 - Lawful permanent residency
 - Qualified immigrants
 - Approved visa petition + application for lawful permanent residency filed
 - Persons fleeing persecution (e.g. refugees, asylees, withholding, conditional entrants)
 - Humanitarian immigrants (e.g. Cuban Haitian Entrants, TPS, DED, Deferred Action Status)
 - U visa conditional approvals
 - SIJS applicant children
 - Parolees (lawfully present) if parole for 1yr +

Health Care Subsidies – State Funded Benefits During 5 Year Bar

- T – Visa Bona Fide or Continued Presence
 - All states
- Lawfully present
 - Children 31 states + D.C.
 - Pregnant persons 23 states + D.C.
 - Abused immigrants 1 additional state
 - VAWA Self-Petitioners (3 months); SIJS lawful permanent resident (1 year); U visa lawful permanent residents (18+ years)
- Preparing to file U or T visas = 3 states

Federal -SSI

- Persons already receiving SSI before 8/22/96 or whose SSI apps were pending
- Persons who are blind or have disabilities who were lawfully residing in the U.S. on 8/22/96 and are now “qualified”
- LPRs with 40 quarters of work
- LPRs who entered after 8/22/96 have the additional burden of being “qualified” for 5 years

Education

- K-12 no immigrant restrictions
- DHS does not require universities to ask about immigration status of applicant or enrolling students
- Immigrants eligible for student federal student loans
 - VAWA self-petitioners and their children
 - Permanent residents including SIJS
 - Trafficking victims
 - Refugees/asylees
 - SIJS recipients of lawful permanent residency

Post secondary educational grants and loans

- Battered immigrant self-petitioners and their children are qualified immigrants eligible to receive DOE funded grants and loans
- Universities are to accept DHS/Immigration Judge
 - Documentation of VAWA self-petition/cancellation status
- On FAFSA check “eligible noncitizen” and provide “A” number
- Explains no-match with DOE/DHS computer system and
 - DOES NOT require verification
- DHS documents must be current at each time of re-application
- Students remain eligible after age of majority unless
 - VAWA case is denied

Post –Secondary State Funded Education

- In-state tuition for immigrants who are not citizens or lawful permanent residents – States with
 - Tuition equity laws and scholarships= 16
 - Tuition equity laws = 4
 - Tuition equity policies at major institutions= 2
 - Tuition equity laws and scholarships = 2

Driver's Licenses

- Under the REAL ID Act, evidence of lawful status is required for driver's license to be a federally recognized form of identification
 - Immigrants with work authorization
 - VAWA self-petitioner with pending applications for lawful permanent residency or approved self-petitions
 - Bona fide and waitlist approved U visa victims
 - SJIS with deferred action or who are applicants for lawful permanent residency
 - Trafficking victims with continued presence
 - T visa holders and T bona fide
- State driver's licenses = 20 states

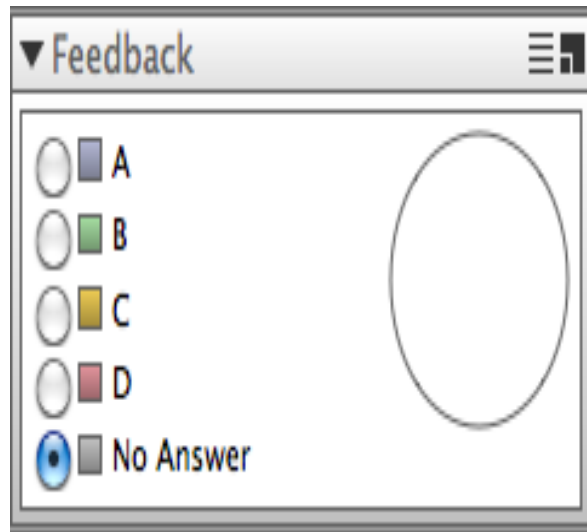
LIHEAP and DOE Weatherization

- LIHEAP – Heating, Cooling & Crisis Assistance and Single Family LIHEAP Weatherization
 - VAWA self-petitioners
 - T Visa holders and bona fide
 - Continued Presence
 - SJIS and U visa upon receipt of lawful permanent residence
- Weatherization Assistance Program (WAP)
 - Multi-Unit Dwellings – no immigration restrictions

Disaster Relief and Immigrants

- FEMA Individual Family Grant Program and Disaster Unemployment Assistance – 1 family member is a --
 - Citizen, or
 - Qualified immigrant
 - Prima facie/approved VAWAs
 - T bona fide
 - Continued presence
 - Lawful permanent residents
 - Refugees/asylees
- Emergency Food Stamps
 - Continued presence and T bona fide
 - Otherwise very limited

Poll: 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

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
 - PRUCOL state benefits
- Need witnesses and documentation of treatment by benefits workers

What is “Known”

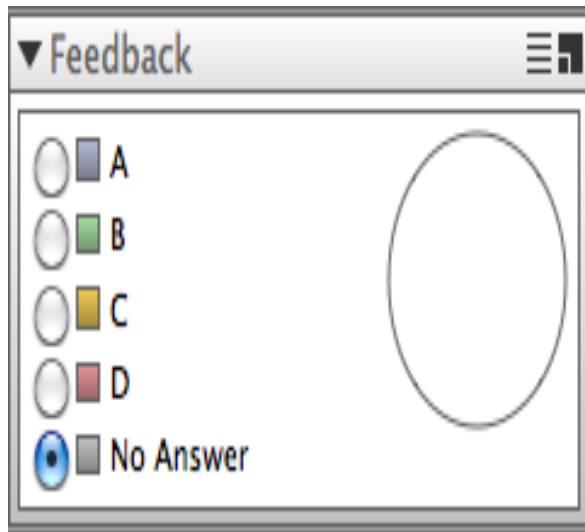
- “KNOW” has a very narrow definition
 - A finding of fact or conclusion of law made government agency as part of a formal determination that is subject to administrative review on the applicant’s claim,
 - AND the finding is supported by a determination by USCIS or an immigration judge such as a Final Order of Deportation
- Reporting is *not triggered by*:
 - An oral or written admission by the immigrant;
 - A worker’s suspicion, assumption, or firm conviction about the person’s immigration status;
 - A response from USCIS to a SAVE inquiry that fails to confirm an applicant’s immigration status or that shows an immigrant status that would make the applicant ineligible; or
 - A formal finding that the person is ineligible for a benefit.

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 file for benefits for their citizen or LPR children
 - State welfare worker reporting requirements

Poll: Check All that are True

- A. Receiving benefits can harm a victim's immigration status options
- B. Undocumented victims can apply for benefits their citizen children qualify for
- C. Parents seeking child only benefits must provide information about their own immigration status & SSN



Immigrants Exempt From Public Charge

- Victims
 - VAWA, T visas and U visas exempted
 - SIJS children
- Refugees
- Asylees
- DACA
- Visa holders
- Most lawful permanent residents

Questions about helping
immigrant victims access
state and federal public
benefits?



Join Us With Your Questions

- Q and A session August 17, 2022
- 3:00 pm to 4:00 pm EST
- Registration is not required
- **Insert link to join**

Technical Assistance and Materials

- Materials for this webinar and office hours series:
 - <https://niwaplibrary.wcl.american.edu/nnedv-niwap-th>
- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org
 - Web Library: www.niwaplibrary.wcl.american.edu

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Evaluations

Insert link