

**NIWAP**



# **Understanding Immigration Law, VAWA Protections and Impacts of Current Policies on Survivors of Gender-Based Violence**

**Staff Training for the  
Ohio Domestic Violence Network  
Columbus, Ohio  
April 22, 2025**

**NIWAP**

# Faculty Introduction and NIWAP Resources

- **Leslye E. Orloff**, Adjunct Professor and Director, NIWAP, American University, Washington College of Law
- 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
  - Victim advocates, family lawyers, National Judicial Network
  - Law enforcement/prosecutors



# Join a NIWAP Community of Practice

- Family Law Attorneys COP  
[www.surveymonkey.com/r/FamCOP2023](https://www.surveymonkey.com/r/FamCOP2023)
- Victim Advocates COP  
<https://www.surveymonkey.com/r/VictimAdvocateCOPApp>
- Roundtable for Law Enforcement, Prosecutors and System-based Advocates  
<https://www.surveymonkey.com/r/LERoundtable>
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only)  
<https://niwaplibrary.wcl.american.edu/pubs/njn-outreach-letter>

# Learning Objectives

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

- Use tools that help ensure that immigrant survivors receive VAWA confidentiality protections including against removal
- Support immigrant survivors applying for victim-based forms of immigration relief
- Help immigrant survivors win family court protections
- Ensure that immigrant survivors and their children access all of the benefits and services they are legally eligible to receive

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



# 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.

## 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:

- Asylum 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

## T VISA

For victims of human trafficking

To apply: USCIS Form I-360

## VAWA

For victims of domestic violence and abuse

To apply: USCIS Form I-589

## ASYLUM

For victims of persecution

To apply: USCIS Form I-360

## SIJ

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

To apply: USCIS Form I-918

## U VISA

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

## 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



Center for Countering Human Trafficking

# Key Violence Against Women Act (VAWA) Statutes

- 8 U.S.C. §1367
  - VAWA confidentiality immigration
- 8 U.S.C. §1229(e) – INA 239(e)
  - VAWA confidentiality protected locations
- 35 U.S.C. §12291 – Full VAWA
  - (a) definitions
  - (b) grant conditions including
    - VAWA confidentiality protections applicable to all grantees

# VAWA Confidentiality Prongs

## Non-Disclosure

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

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 a spouse or parent**
- \***All victims in the process of applying for U or T visas**
- \***Abused spouses of visa holders with VAWA work authorization filed**

## Location Prohibitions

Protects: **All Victims**

Requires:

No action at protected locations  
OR

Notice to Appear must state how they complied with VAWA confidentiality

# 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



# Bars Limiting Reliance Upon Information Provided by a Perpetrator

- The government cannot gather and/or use information provided solely by:
  - A domestic violence or child abuser
  - A sexual assault or stalking perpetrator
  - A trafficker
  - The perpetrator of any U visa listed criminal activity
  - The perpetrator's family member
  - Other persons associated with the perpetrator
- To take an adverse action against a victim
- 8 U.S.C. 1367(a)(1)

# Bipartisan VAWA Confidentiality Legislative History in VAWA 2005

- “This Committee wants to ensure that immigration enforcement agents and government officials covered by this section do not initiate contact with abusers, call abusers as witnesses, or relying on information furnished by or derived from abusers to apprehend, detain and attempt to remove victims of domestic violence, sexual assault and trafficking, as prohibited by section 384 of IIRIRA.”

# Adverse Actions Include Using Perpetrator Provided Information To...

- Deny a victims immigration case
- Detain a victim
- Deport a victim
- Initiate an immigration enforcement action against a victim
- Seek out, question or detain a victim at a prohibited location, including courthouse

# Poll 2: When do victims get VAWA confidentiality's removal protections?



- A. Victim has filed a VAWA, T, or U visa case
- B. Victims shows a protection order to an immigration official
- C. Victim shows letter from advocate stating that victim is seeking VAWA, T or U immigration relief
- D. When abuse occurs in a spouse or parent child relationship

All DHS Memo 002-02-001.1 Rev.00.1  
(May 29, 2019) Confirmed (Jan. 2025)

- States that the VAWA Confidentiality prohibited source and non-disclosure protections apply to victims who *are seeking, are in the process of preparing an application, have filed for, and have been approved* for a victim-based form of immigration relief covered by 8 U.S.C. 1367

# VAWA Confidentiality 8 U.S.C. 1367

## All DHS Directive 002-02-001.1 (2019)

- Protections apply “*even if the alien has not applied for or does not intend to apply* for a victim-based application or petition”
- “If a *DHS employee suspects* that the provisions and relevant policy were not followed, the employee immediately *brings the issue to the attention of his or her immediate supervisor* rather than issuing the NTA.”
- “[I]t is clear that Congress intended that arrests of aliens at such locations to be handled properly given that they may ultimately benefit from VAWA’s provisions”

# Key 2025 Policies

- Enforcement at Protected Areas (Jan. 20, 2025) & Courthouse Enforcement (Jan. 2025) Policies
  - Sensitive location policies cancelled
  - Require supervisor approval for courthouse enforcement in noncriminal cases and courthouses
- Interim guidance on Victims 11005.4 Jan. 31, 2025
  - Revoked 2011 and 2021 Policies That Required:
    - Prosecutorial discretion for victims who had filed victim-based immigration cases with limited exceptions
    - ICE/CBP look for indicia/evidence of victimization and consider this as a positive factor
    - Seek expedited adjudication of victim's cases
  - *Required ongoing adherence to VAWA confidentiality statutes and implementing policies*

# Poll 3: At which protected locations are victims protected against immigration enforcement?

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



# VAWA Community Based Locations Definition

“(5) Community-based organization. The term “community-based organization” means a nonprofit, nongovernmental, or tribal organization that serves a specific geographic community that—

- (A) focuses primarily on domestic violence, dating violence, sexual assault, or stalking;
- (B) has established a specialized culturally specific program that addresses domestic violence, dating violence, sexual assault, or stalking;
- (C) has a primary focus on underserved populations (and includes representatives of these populations) and domestic violence, dating violence, sexual assault, or stalking; or
- (D) obtains expertise, or shows demonstrated capacity to work effectively, on domestic violence, dating violence, sexual assault, and stalking through collaboration.”

# Are Courthouses Protected Locations?

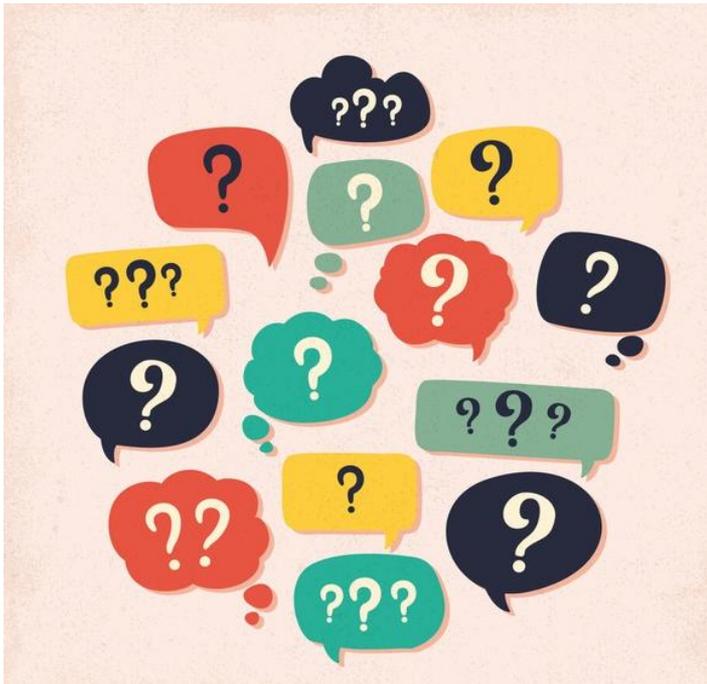
## 8 U.S.C. Sec.1229(e)(2)(B) – INA 239(e)

- 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)].”

Poll 3: VAWA confidentiality is likely violated when a DHS official comes to the courthouse in response to a “tip” from the perpetrator and arrests a victim who has come to court.....

Check all that apply

- A. Seeking a protection order
- B. For a child custody case
- C. As a witness in a criminal case
- D. In an eviction case when the perpetrator stopped paying rent in violation of a family court order



# When Immigration Enforcement Occurs at a Courthouse Against A Victim --

- 8 U.S.C. §1229(e) -Requires ICE certification re: non-reliance on perpetrator provided information
- 8 U.S.C. §1367(c) imposes disciplinary action and fines for violation
- DHS VAWA Confidentiality Implementation - Instruction 002-02-001, Implementation of Section 1367 Information Provisions (May 28, 2019) <https://niwaplibrary.wcl.american.edu/pubs/implementation-of-section-1367-all-dhs-instruction-002-02-001/>
  - ICE is required to check the Central Index System for the “COA 384” flag identifying victim-based cases filed under the Violence Against Women Act and the Trafficking Victim’s Protection Act
  - Requires supervisory approval
  - Officers are to be “sensitive to the fact that the alien at issue may be a victim and the victim-abuse dynamic may be at play.”

# Protected Location Certificate of Compliance

- If any part of the enforcement action leading to the victim being brought before an immigration judge included
  - Relying upon abuser-provided information, OR
  - Enforcement action taken at prohibited location
- DHS is required to disclose the facts to the immigration judge, and
- File a certification in the immigration case that VAWA confidentiality protections were not violated
- The immigration judge can dismiss the proceedings for violations

## 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/](https://niwaplibrary.wcl.american.edu/pubs/2025-01_ice_courthouse_enforcement_guidance/)

# Enforcement at courthouses must be against targeted immigrants:

**ICE Policy 11072.3 - January 21, 2025**

- Civil immigration courthouse enforcement will be planned against a targeted immigrant who
  - Is a threat to national security or public safety
  - Has criminal conviction(s)
  - Is a gang member
  - Has been ordered removed and failed to depart, or
  - Has re-entered the country illegally after being removed

# Enforcement Against Other Persons At Court Jan. 21, 2025 Policy

- “Other aliens encountered during a civil immigration enforcement action in or near a courthouse, such as family members or friends accompanying the target alien to court appearances or serving as a witness in a proceeding, may be subject to civil immigration enforcement action on a case-by-case basis considering the totality of the circumstances.”

# Notification That Victim Has VAWA Confidentiality Protections

- Does this mean that immigrant victims are protected from removal?
- Is there a difference when victims have children here who were born abroad vs in US?
- How do immigration enforcement officials know that someone is a victim?
- Are there helpful tools that cite current laws and policies?

# New Tools Demonstration

- Letters that advocates and attorneys can provide to victims
- Letters for law enforcement and prosecutors and their agency staff to provide to victims
- Letters that advocates and attorneys at protected locations can provide should they encounter ICE



# What to Do When Violations by DHS Happen

- Advocate on the spot-provide
  - Proof of victimization
  - Proof that the victim has been in the U.S.
    - Longer than two years
  - Copy of the statute
  - DHS VAWA confidentiality policy 2019
  - DHS victim and courthouse policies 2025
- Collect information about the violating officer
  - Name
  - Agency
  - Badge Number
- Ask if they obtained supervisory approval
- Call NIWAP for technical assistance



Immigrant victim's case files – what should and should not be documented?



# VAWA Confidentiality and State Court Discovery

# VAWA Confidentiality Protected Case Types = Red

- VAWA self-petition
  - Abused spouses/children of US citizens & permanent residents
  - Abused parents of over 21 year old US citizens
- VAWA cancellation of removal/ VAWA suspension of deportation
  - Abused spouses/children of US citizen and permanent residents protection from removal
- Battered spouse waiver
  - Abused spouses of US citizens with two-year conditional permanent residency
- U visa
  - Has been, is being or is likely to be helpful in detection, investigation, prosecution, conviction or sentencing
  - Substantial harm from criminal activity
- T visa and Continued Presence
  - Victims of severe forms of human trafficking
- Abused Spouse of Visa Holders
  - Spouses battered or subjected to extreme cruelty by spouses with the following visas: A(diplomats), E(3)(Australian specialty occupation workers), G (foreign gov-Int'l orgs), H (work visas)
- Special Immigrant Juvenile (SIJS)
  - Children abused, battered, abandoned or neglected by one or both parents
- Deferred Action (DACA)
  - Deferred action for child arrivals including Dreamers
- Asylum
  - Well founded fear of persecution on account of race, religion, nationality, political opinion, social group
  - Domestic violence as gender-based asylum

# 8 U.S.C. Section 1367 and DHS Policies and Regulations on VAWA Confidentiality

- Protects all information in immigration files about a VAWA confidentiality protected victim
- Prohibits disclosure of any information to anyone not just the perpetrator about
  - The existence of the victim's VAWA confidentiality protected immigration cases
  - Decisions made in the cases
  - All Information contained in the victim's #A file
  - Protects the person and all their immigration cases

# When Non-Disclosure Protections Begin & End

## All DHS Instruction 002-02-001.1 (2019)

- Any information related to noncitizens who are “seeking or who have been approved for immigration status” under the U visa, T visa, or other VAWA immigration programs may not be disclosed.
- This includes protection of the victim’s “information that has not yet been included in a [DHS] database.”
- “provides protection as soon as a DHS employee has reason to believe that the alien may be the beneficiary of a pending or approved victim-based application or petition”
- Protections apply from the time of filing permanently unless
  - Case denied on the merits
  - All appeal options have been completed
  - Victim naturalizes

# Non-Disclosure Exceptions

- To law enforcement and national security
  - Solely for purposes related to their work
- Judicial review of the victim's immigration case
- Public benefits granting agencies
- Chair and ranking member of House and Senate Judiciary committees without personally identifying information
- All adults in case waive confidentiality
- With victim's permission connecting victim with victim services
- Anonymous information -census rules apply
- **All only in a manner that continues to protect the confidentiality of the information**

# Demaj v Sakaj (D. Conn, 2012) – U Visa/Custody Case

- Although relevant to credibility and impeachment
- Family court discovery barred as contrary VAWA confidentiality purpose --
  - Prevent disclosure of documents & information in a protected case file to alleged criminals
  - Stop perpetrator's actions to interfere with & undermine a victim's immigration case
- Seeking to obtain protected information through discovery in a custody case = interference with the victim's immigration case barred by the federal statute
- VAWA confidentiality applies to protect the case file contents, including in cases when
  - The victim discloses in state court that DHS has approved her protected immigration case

**Ramirez v. Marsh, and  
New Mexico Immigrant Law Center v. Leos  
(May 7, 2024) New Mexico Supreme Court**

- Criminal court judge cannot order disclosure of U or T visa applications or related materials from
  - The victim
  - The victim’s parents
  - The victim’s counsel
- New Mexico Supreme Court invalidated subpoenas issues by state criminal court judges requiring disclosure
- *Ramirez v. Marsh*, S-1-SC-39966, and *New Mexico Immigrant Law Center v. Leos*, S-1-SC-40114.

# People v. Jun Du – Criminal Case “Sanctuary For Families”

[NY Sup Ct Kings County 2024](Sept. 27, 2024)

- Based on VAWA confidentiality laws, the Judge reversed their previous decision granting an *in camera review* and denied the request for *in camera review* of the T-visa application (Form I-914).
- VAWA Confidentiality protects the disclosure of the T-visa application (Form I-914).
- Party seeking disclosure must show that the application is so relevant or material that it outweighs VAWA confidentiality.
- The Court decided the materials (T-visa application) are protected and confidential. No exceptions are permitted.

# What is discoverable in a state court?

- Criminal case
  - U visa and T visa case
    - The request for certification letter
    - The U or T visa certification itself
  - VAWA self-petition, VAWA cancellation, VAWA suspension cases
    - Nothing
- Family Case
  - Nothing
- Civil Employment Case
  - Multiple victims redacted certifications may be discoverable

Impact on Survivors and  
Their Children:  
Importance of Family Court  
Remedies and Safety Planning

# Immigrants and Protection Orders

- All persons are eligible to receive civil protection orders without regard to the immigration status of any party or child
- Protection order issuance = no effect on immigration status
- Violations of protective CPO provisions = deportable offense
  - Dangers of issuing CPOs against victims
- Immigrant victims and their children often need creative protection order remedies using the state catch all provisions

# Use Creative Remedies to...

- Stop immigration related abuse
- Protect victims still living with their abusers
- Obtain documents the victim needs for an immigration case or for care of child
- Deter parental kidnapping
- Child/Spousal support
  - Affidavit of support
- Health insurance

# Victims Who Stay: No Unlawful Contact Protection Orders

- No state's protection order statute requires separation of the parties
- Provisions
  - No abuse
  - No unlawful contact
  - Batterer's treatment

# Is Immigration Status Relevant to Custody?

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



# Myth vs. Fact:

## Parents without Legal Immigration Status

### Myth

1. Deportation is imminent
2. Parent is likely to flee U.S. with child
3. The parent has no livelihood
4. Legally present parent must have custody in order to file for benefits for child

### Fact

1. Less risk for victims with pending victim-based immigration cases and over 2 years in the US
2. US citizens and lawful permanent residents are more likely to flee with children, especially when
  - There have been threats of kidnapping children
  - They are dual nationals
  - They travel freely to and from U.S.
3. Abused immigrant parents in family court can receive child support & have a path to immigration relief, work authorization & some benefits
4. Custody does not affect parent's ability to file for or gain immigration benefits for their children.

# Immigrant Parents and Child Custody

*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

# Impact of Divorce

- VAWA self-petitioners:
  - Spouse must file within two years of final divorce
- Ends legal immigration status for spouses and children of visa holders:
  - Students, Work Visa Holders, Diplomats
- Annulment instead of divorce can lead to a marriage fraud finding and potential prosecution
- Divorce cuts off immigrant spouses and children from lawful permanent residency based on:
  - Asylum, employment, family relationships, cancellation of removal
- Immigrant spouse can enforce **affidavit of support** in divorce proceedings

# Housing and Benefits Options For Immigrant Survivors

# Open to All Immigrant Victims of Crime and Abuse

- Legal Services
- Family Court (Divorce)
- Interpreters/Translators
- Police Assistance
- Protection Orders
- Child Custody & Support
- Their Abusers Can Be Criminally Prosecuted
- Public Benefits for Their Eligible Children
- SANE Exams
- 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

# In-Kind Necessary to Protect Life and Safety Services Open to All Immigrants (8 U.S.C. Section 1611(b)(1)(D)) (66 Federal Register 3613)

- 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



# Who are “Qualified Immigrants”?

- *Trafficking victims* with bona fide determinations or T visas
- *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
- *Lawful permanent residents*
- *Refugees and asylees*
- Cuban/Haitian entrants
- Veterans
- Amerasians
- Persons granted conditional entry
- Persons paroled into U.S. *one* year or more
- Persons granted withholding of deportation or cancellation of removal

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

- Public and assisted housing
- Real ID driver’s licenses and IDs
- Supportive housing for the elderly or disabled
- Post-secondary educational grants & loans
- Most subsidized childcare
- 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

# SAVE Program

- The SAVE Program provides immigration status information to authorized agencies providing state and federal public benefits
- VAWA confidentiality: DHS does not place victims into SAVE until they receive work authorization
  - T visa and VAWA cases require housing provider to “Institute Additional Verification”
  - DHS conducts this additional verification in a VAWA confidentiality compliant manner

# How Housing Providers Are to Complete DHS -SAVE System Online

- 1) Enter into SAVE the VAWA immigrant victim's:
  - Name + A# + Date of birth
- 2) System issues “Match” or “No Match” response
- 3) If “No Match” - Click “Institute Additional Verification”  
AND Enter in the note field either
  - “Verify VAWA Self-Petition” or “Verify I-130 Visa Petition” AND
  - Upload a copy of the victim's DHS document:
    - I-360 VAWA self-petition
    - I-130 Family-based visa petition
    - I-797 Notice of Action: Used for receipt notice, prima facie determination, and approval notice

# State Benefits Eligibility

# Interactive Public Benefits Map State-By-State

Hide fields Filter Group Sort ...

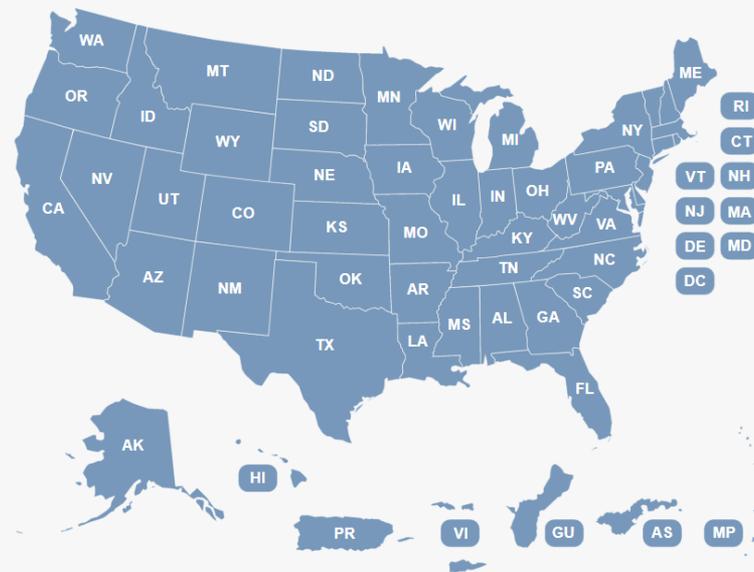
Ben...	STATE & TERRITORY	Benefit Name	VAWA Self-Petitioner
1	309 Florida Public Benefits	Child Care - TANF Funded	Eligible for TANF funded child care if receiving TANF.
2	308 Florida Public Benefits	Child Care: Child Care Development Fund (CCDF)	Eligible for CCDF
3	310 Florida Public Benefits	Children's 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.

30 records um 13017

Airtable Download

## BENEFITS MAP

Welcome to NIWAP's Interactive Public Benefits Map (October 24, 2022)



# 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

# Benefits in Ohio Part 1

- TANF and TANF funded Child Care
  - T bona fide, T Visas, Continued Presence, refugees, asylees (5 yr limit if entered after 8/22/96)
  - All other lawful permanent residents *after 40 quarters work credit* (generally requires at least 10 years for victims)
  - If entered before 8/22/96 VAWAs with prima facie and LPRs
- Child care: Child Care Development Fund no restrictions
- SSI (most limited):
  - CP, T visa, T visa bona fide, refugees, asylees
  - VAWA & U Visa/SIJS LPRs (5 year bar+ 40 quarters work)

# Benefits in Ohio Part 2

- Health Care Exchanges lawfully residing immigrants:
  - T bona fide, T visa, Continued presence, OTIP child eligibility letters, asylee, refugee, VAWA, U visa with deferred action (bona fide/waitlist), SIJS applicants, DACA, lawful permanent residents,
- Health care for lawfully residing immigrants (listed above) who are:
  - Under 19 year old children
  - Pregnant persons: Prenatal care, full-scope health care, and 12 months postpartum care
- Full scope adult medicaid:
  - T visas, T bona fide, Refugees, Asylees, Continued Presence, OTIP child eligibility letters
  - VAWA prima facie and lawful permanent residents - 5 year bar

# Benefits in Ohio Part 3

- Education
  - Post Secondary Educational Grants and Loans - Federal
    - VAWA self-petitioners, CP, T visa, T visa bona fide and
    - LPRs - U visa (20+ yrs) & SIJS (5 yrs)
  - In-state tuition if
    - Immigrant has legal work authorization and
    - 12 months residence in Ohio (student or parent/spouse/legal guardian) or full time and self-sustaining employment and residence in Ohio
- Drivers' license - VAWA self-petitioners, refugees, asylees, T visa holders and lawful permanent residence are eligible for a federally recognized driver's license

# Benefits in Ohio Part 4

- SNAP Eligible
  - Refugees, asylees, CP, T visa bona-fide, and T visas
  - Lawful permanent residents (LPR) and VAWA self-petitioners with prima facie
    - Have 5-year bar unless children, elderly, disabled, or
      - LPR or VAWA adult with 40 quarters of work credit
- LIHEAP = income eligible VAWAs, refugees, asylees, T visa bona fide, T visas and LPRs (e.g. SIJS and U visas)
- Weatherization Assistance Program– no immigrant restrictions if income eligible

# Question and Answer Session

# Technical Assistance and Materials

- Power Point presentations and materials for this training at
  - <https://niwaplibrary.wcl.american.edu/odvn-staff-board-2025/>
- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail [info@niwap.org](mailto:info@niwap.org)
- Web Library: [www.niwaplibrary.wcl.american.edu](http://www.niwaplibrary.wcl.american.edu)