


**Building Multidisciplinary Collaborations  
that Promote Access to Justice and  
Enhance Safety for Immigrant Survivors  
of Family Violence and Sexual Assault**

**NO MORE Crime of Power and Control**  
Lincoln, Nebraska  
September 18, 2019




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**Faculty Introductions**

- Leslye Orloff, American University, Washington College of Law
- Prosecutor Christopher Freeman
- Lieutenant Giovanni Veliz
- Investigator Michael LaRiviere





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**A Special Thanks to the Office on  
Violence Against Women**

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### Learning Objectives

By the end of this Plenary, you will have a better understanding of:

- The U and T visa programs to effectively enhance work of law enforcement and prosecutors with immigrant victims
- Enhancing officer/victim/community safety through language access and certification programs
- Strategies to help build collaborations and best practices for working with law enforcement partners, victim advocates and attorneys



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### General Caveats

- Women, men, and children can qualify for U Visas
- Victims of almost all violent crimes, and many other crimes are eligible to apply for U Visas
- *That said, many examples that will be used throughout this presentation will refer to female victims of domestic violence and/or sexual assault*



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### Participant Goals and Expectations



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What, if anything, do you know about immigration relief for immigrant victims?




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DEMOGRAPHICS




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Nebraska Demographics (2017)\*

- ❖ Total foreign born population - 143,331
- ❖ 7.5% of the state's 1.8 million people are foreign born
  - 39.3% naturalized citizens
  - ≈34.2% lawful permanent residents or temporary legal status\*\*
  - ≈26.5% undocumented\*\*
- ❖ 92.0% rise in immigrant population from 2000 to 2017
- ❖ 16.9% of children in the state under age 18 have 1 or more immigrant parents
  - 85.4% of children with immigrant parents in the state are U.S. native.

\*Source: <http://www.migrationpolicy.org/data/state-profiles/state-demographics/NE> (Feb. 2018)  
\*\*Source: <https://www.migrationpolicy.org/data/unauthorized-immigrant-population/state-NE>




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### Nebraska- Countries/Regions of Origin and Limited English Proficiency (2017)\*

- › Latin America –53.8%
  - › Mexico (36.8%)
  - › El Salvador (6.3%)
  - › Cuba (2.5%)
- › Asia –24.9%
  - › India (4.0%)
  - › China (3.6%)
  - › Vietnam 3.4%)
- › Africa –9.1%
- › Europe – 7.5 %
- › Middle East – 3.0%
- › Canada – 1.3%

Limited English Proficiency  
(Speak English less than very well)

- › Naturalized citizens 42.4%
- › Non-citizens 65.4%

Languages Spoken at Home

- › Spanish (139,740)
- › Vietnamese (5,640)
- › Chinese (5,368)
- › Arabic (6,534)
- › Nepali, Marathi, or other Indic language (5,191)
- › German (4,992)
- › French (4,147)

\*Source: <http://www.migrationpolicy.org/data/state-profiles/state-demographics/NE> (Feb. 2018)




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### DYNAMICS AND BARRIERS FOR IMMIGRANT SURVIVORS




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What barriers and fears prevent immigrant victims from seeking help?




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## Major Challenges in Working with Immigrant Victims of Crime

- Fear of Deportation
- Language
- Retaliation
- Fear of losing their children
- Lack of knowledge of legal rights
- Do not trust that advocates, attorneys, police, prosecutors, judges will help them

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## Importance of Immigration Status

- Ability to work legally
- Protection from deportation and removal
- Ability to obtain a driver's license and social security number
- Better access to justice, housing and public services
- Break from isolation/ Gain Independence
- Ability to travel to and from the U.S. (with some exceptions)
- Path to lawful permanent residency and ultimately citizenship

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## VIOLENCE AGAINST WOMEN ACT PROTECTIONS FOR IMMIGRANT SURVIVORS

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### Immigration Related Abuse

- Refusal to file immigration papers on spouse/child/parent's behalf
- Threats or taking steps to withdraw an immigration case filed on the survivor's behalf
  - Family or work based visas
- Forcing survivor to work with false documents
- Threats/attempts to have her deported
- Calls to DHS to turn her in – have her case denied



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### Best Practice: Screen for Immigration Related Abuse

- Immigration Related Abuse
  - 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse\*
  - May predict abuse escalation
  - Corroborates existence of physical and sexual abuse

\*Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)



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### Sexual Assault Rates Among Immigrant Women

- High school aged immigrant girls
  - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault
  - Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007).
- Latina college students
  - Experience the highest incidents of attempted rape compared to White, African American and Asian college students
  - Kalof, L., Ethnic Differences in Female Sexual Victimization, 4 Sexuality and Culture 75-97 (2000).



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**PROTECTIONS FOR IMMIGRANT VICTIMS**

The infographic details six immigration protection options:

- T VISA**: For victims of human trafficking who assist in the investigation or prosecution.
- VAWA**: For victims of domestic violence, dating violence, or child abuse/neglect by a U.S. citizen or permanent resident.
- U VISA**: For victims of certain crimes who assist in the investigation or prosecution.
- ASYLUM**: For individuals with a well-founded fear of persecution in their home country.
- SIJS**: For children of U.S. citizens or permanent residents who are being abused, neglected, or abandoned by one or both parents.
- CONTINUED PRESENCE**: For individuals who are in the U.S. and fear removal.

**BLUE CAMPAIGN**  
The only support at 1-800-775-7884 or www.NIWA.org

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**DHS Immigration Options for Victims of Crime Brochure**

- Languages Offered
  - Spanish
  - Mandarin
  - English
  - Korean
  - Russian

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**Potential Immigration Remedies**

- Applications filed with DHS
  - VAWA self petition
  - Battered spouse waivers
  - Work authorization for abused spouses of work visa holders
  - U-visa (crime victims)
  - T-visa (victims of trafficking)
  - Special Immigrant Juvenile Status
- Forms of relief from removal- granted by Immigration Judge
  - VAWA cancellation of removal
  - VAWA suspension of deportation

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### Connection Between Abuse and Control Over Immigration Status

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

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



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### Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for survivors:
  - 72.3% never file immigration papers
  - The 27.7% who did file had a mean delay of **3.97 years.**

Hass, Dutton and Orloff (2000). "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications." International Review of Victimology 7 93113

- 65% of immigrant survivors report some form of immigration related abuse (NIJ, 2003)

\*Edna Erez and Nawal Ammar, Violence Against Immigrant Women and Systemic Responses: An Exploratory Study (2003)



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### Immigrant Adult and Child Victims Who File for Immigration Relief Receive

- Protection from deportation
- Legal work authorization and access to drivers' licenses upon
  - Approval or wait list approval
- Access to some federal public benefits
  - Varies by immigration case type, state, and benefit
- VAWA confidentiality protection upon filing VAWA, T or U visa case



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## Purpose of Immigration Relief for Survivors

- Improves access to justice
- Helps build community policing and relationships
- Increases prosecution of perpetrators
- Allows victims to report crimes without fear of deportation
- Keeps communities safe

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## KEYS TO



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## Keys to Success

- Build multidisciplinary collaborations
- Understand protections for victims through VAWA Confidentiality
- Support victims applying for immigration relief
  - Screening, applying early, and having certification practices
- Provide language access
- Connect survivors to public benefits

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## KEYS TO SUCCESS: MULTIDISCIPLINARY COLLABORATIONS



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### Best Practices to Enhance Collaboration

- Training across disciplines
- Open communication
- Understanding roles of each partner
- Sharing of policies and procedures
- Developing working groups
- Email groups
- Participation/inclusion in high risk teams

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### What does collaboration look like?

- Having designated points of contact
- Collaboration on projects/grants etc
- Presence at community events/meetings
- Seek out and build relationships with leaders in the immigrant community
- Joint Public Service Announcements
- Having a mission statement that speaks to inclusion

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## KEYS TO SUCCESS: VAWA CONFIDENTIALITY, VICTIM SAFETY, AND CASE STRATEGY IN CASES OF IMMIGRANT SURVIVORS

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### VAWA Confidentiality Prongs Chart

Non- Disclosure	Abuser-Provided Information Prohibition	Location Prohibitions
<p>Protects victims who have filed a protected case with DHS</p> <ul style="list-style-type: none"> <li>*VAWA self-petitions</li> <li>*Battered spouse waiver</li> <li>*VAWA Cancellation/Suspension</li> <li>*U and T Visas</li> <li>*Abused Spouses of work visa holders work authorization applications</li> </ul>	<p>Includes family members of abusers, crime perpetrators and their agents</p> <p><b>Protects:</b></p> <ul style="list-style-type: none"> <li>*All victims abused by spouse or parent</li> <li>*All victims in the process of applying for U or T visas</li> </ul>	<p><b>Protects:</b> All Victims</p> <p><b>Requires:</b> No action at protected locations OR Notice to Appear must state how they complied with VAWA confidentiality</p>
<p>Violation = \$5,000 fine and/or disciplinary action</p>		

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## Story: How Immigration Relief for Victims Improves Community Safety

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### 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
- **Parent perpetrated**
  - **Child abuse**
  - **Child neglect**
  - **Child abandonment**

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



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### January 2018 ICE Courthouse Enforcement Policy

Limit enforcement to targeted immigrant

- Criminal convictions, gangs, national security, public safety, orders of removal
- Will not target witnesses or people accompanying to court
- Enforcement in family law and other non-criminal
  - Should generally be avoided AND
  - Requires Field Office Director/Special Agent in Charge Approval



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### DHS VAWA Confidentiality Computer System

- DHS "red flag" "384" computer system to identify victims who have already filed for or have been granted victim-based immigration relief
- Reminds immigration officers, agents, attorneys about immigration law protections for
  - Victims of domestic violence
  - Crime victims
  - Human trafficking victims



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**KEYS TO SUCCESS:  
IMMIGRATION OPTIONS FOR  
IMMIGRANT SURVIVORS AND  
THEIR CHILDREN: IMPORTANCE  
OF SCREENING AND FILING  
EARLY**

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**Potential Immigration Remedies**

- Applications filed with DHS
  - VAWA self petition
  - Battered spouse waivers
  - Work authorization for abused spouses of work visa holders
  - U-visa (crime victims)
  - T-visa (victims of trafficking)
  - Special Immigrant Juvenile Status
- Forms of relief from removal- granted by Immigration Judge
  - VAWA cancellation of removal
  - VAWA suspension of deportation

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**Battered Spouse Waivers**

- For survivors with a 2 year conditional residency card
- Waives the joint filing requirement and two year wait for full lawful permanent residency
- Requires proof of
  - Good faith marriage to U.S. citizen or permanent resident *and*
  - Battered or subjected to extreme cruelty
    - To spouse, child, step-child

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## General VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
  - spouse,
  - parent,
  - adult son/daughter (over 21)
- With Whom self-petitioner resided
  - No time period required
- Good Moral Character
- Good Faith Marriage

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## VAWA Self-Petitioning: Facts

- Must file case within 2 years of marriage termination
- Bigamy + unknowing immigrant "spouse"
- Child abuse up to age of 25 to file
- Step-children up until divorce
- Any credible evidence standard of proof (police report, protection order, medical records NOT required)

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## Forms of Extreme Cruelty

- Emotional Abuse
- Economic Abuse
- Sexual Abuse
- Coercion
- Deportation threats
- Immigration related abuse
- Intimidation
- Social Isolation
- Degradation
- Possessiveness
- Harming pets

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## Immigration Law Definition of Battering or Extreme Cruelty

- "Being the victim of any act or a threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence" 8 C.F.R.§204.2(c)(1)
- Based on what state family courts have consider to be extreme cruelty in divorce, alimony, support and custody cases



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## Proof of Extreme Cruelty or Battery

- Self-petitioner's declaration
- Others' declarations (family, neighbors, friends, faith communities, workplace, school)
- Domestic abuse service providers (shelters, crisis lines, support groups)
- Protection orders
- Criminal court records
- E-mails, notes, letters, voicemails
- Photos: injuries, broken windows, furniture
- Medical records (injuries, scars, PTSD, migraines, insomnia)
- Vet records
- Counselors (marriage, religious, mental health)
- Police reports



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## Good Faith Marriage

- Children
- Love Letters
- Photos from family vacations
- Evidence documenting that they lived together



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### Benefits of VAWA Protections

- **Deportation:** Protection from deportation shortly after filing.
- **Immigration Benefits for Children:**
  - VAWA self-petitioners' children receive immigration benefits – no separate petition needed
- **Public Benefits:** As qualified immigrants (≈ 3 months), may qualify for additional state funded benefits – See Public Benefits Map
- **Employment Authorization:**
  - Citizen abuser (≈ 6 months);
  - Lawful permanent resident abuser (currently ≈ 18 months)
- **VAWA Confidentiality:** protections against the release of information and reliance on abuser provided information
- **Lawful Permanent Residency:**
  - Citizen perpetrator apply upon approval (1 year)
  - Lawful permanent resident perpetrator (≈ 5+ years-depends on when a visa is available)



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### U Visa for Immigrant Survivors

- A victim of qualifying criminal activity is eligible for a U Visa when:
  - The criminal activity occurred in the U.S. or violated U.S. law;
  - The victims possesses information about the crime;
  - The victim has been, is being, or is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing of the offense; and
  - The victim has suffered substantial physical or mental abuse as a result of the victimization



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### U Visa Regulations Definitions

Although terms are used interchangeably

- As a matter of law (U visa regulations)
  - Helpfulness in the "investigation or prosecution" always means
    - "Detection, investigation, prosecution, conviction, or sentencing"
  - "Crime" always means
    - "criminal activity"
- "Criminal activity" chosen to offer early access to justice system protection
  - Improving stability for crime victims



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### U Visa Statistics 11/2011

% of U Visas	Criminal Activity
<b>76.1% = Domestic Violence, Sexual Assault, Child/Elder Abuse, Human Trafficking</b>	
9.9%	Felonious Assault, Murder, Manslaughter
8.47%	Kidnapping, Being Held Hostage, Unlawful Criminal Restraint, Torture
5.3%	Blackmail, Extortion, Perjury, Obstruction of Justice, Attempts, Conspiracy, Solicitation

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### Criminal Case Examples: Evidence of Helpfulness

- Evidence in case that the victim:
  - Called 911
  - Participated in a criminal investigation
  - Identified perpetrator at line up
  - Testified before a grand jury or at trial
  - Appearance in a case
  - Attended criminal court hearings in the case
  - Victim impact statement
  - Testimony at sentencing

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### Family/Civil Case Examples: Evidence of Helpfulness

- Filed and/ or appeared at hearing for full protection order
- Plead and or testified about abuse or sexual assault in a court case (e.g. protection order, divorce, custody, small claims, housing, employment)
- Evidence in case that victim called the police, made a police report, cooperated in a criminal or EEOC investigation
- Serving the perpetrator with notice of a
  - temporary protection order
  - A case in which the pleadings contain allegations of facts that constitute domestic violence, sexual assault or other U visa criminal activities

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### According to DHS, a U/T Visa Certification Tells USCIS Only 3 Things:

- Certifier believes the applicant is a victim of a qualifying criminal activity
- Victim had knowledge of the criminal activity
- Victim was, is, **or** is likely to be helpful in the detection, investigation, prosecution, conviction or sentencing




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### Helpfulness Requirement Met *Even When:*

- Victim reports a crime and there's no further investigation or prosecution
- Perpetrator absconds or is deported
- Perpetrator is being prosecuted for a different crime
- Victim is not needed as a witness
- Victim is dead (indirect victim is applying)
- Perpetrator is dead
- The criminal case did not result in a guilty plea or conviction
- Victim is applying for a civil protection order or custody but domestic violence is not being criminally prosecuted




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### Not Required

- Conviction
- Charges filed
- Offender arrested
- Testimony at trial
- Necessary witness
- Within statute of limitations
- Offender is identified
- Offender alive




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### U Visa Facts and Benefits

- Only 10,000 U visas can be granted annually – Currently there is a waitlist of 110,000 visas
- Work authorization Via Deferred Action Status ( 4-6 years)
- The U visa grants a temporary 4 year stay
- Limited state benefits in a few states
- Lawful permanent residency 3 years after U visa if:
  - Continued cooperation or does not unreasonably refuse to cooperate; and
  - humanitarian need, family unity or public interest
- U.S. Citizenship after 5 years of lawful permanent residency+ proof of good moral character




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### Special Immigrant Juvenile Status (SIJS)

- Immigration relief for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, or neglect
  - 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
- Findings
  - Not in child's best interests to return to home country
  - Reunification with abusive parent not viable
- **Timeline to formal protection = 6 – 36 months (2019)**




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### 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
- **Timeline to formal protection = 3-12 months (2019)**




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## 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/](http://www.ojp.usdoj.gov/vawo/laws/vawo2000/))

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## The T Visa Application Process

Typical length of process = 18- 22.5 months

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## Sex Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1591

Act	Means	Purpose
<ul style="list-style-type: none"> <li>• Recruits</li> <li>• Entices</li> <li>• Harbors</li> <li>• Transports</li> <li>• Provides</li> <li>• Obtains</li> <li>• Advertises</li> <li>• Maintains</li> <li>• Patronizes</li> <li>• Solicits</li> <li>• Benefits, financially or by receiving anything of value</li> </ul>	<ul style="list-style-type: none"> <li>• Force</li> <li>• Fraud</li> <li>• Coercion</li> </ul>	<ul style="list-style-type: none"> <li>• Commercial Sexual Activity</li> </ul>

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## Labor Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1590

Act	Means	Purpose
<ul style="list-style-type: none"> <li>• Recruits</li> <li>• Harbors</li> <li>• Transports</li> <li>• Provides</li> <li>• Obtains</li> <li>• Benefits, financially or by receiving anything of value</li> </ul>	<ul style="list-style-type: none"> <li>• Force</li> <li>• Restraint</li> <li>• Threats of harm</li> <li>• Abuse or threatened abuse of the legal system</li> <li>• Any scheme, plan, or pattern intended to cause the person to believe that if they did not perform labor, they would suffer serious harm or restraint</li> </ul>	<ul style="list-style-type: none"> <li>• Involuntary servitude</li> <li>• Peonage</li> <li>• Debt Bondage</li> <li>• Slavery</li> </ul>



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## KEYS TO SUCCESS: PROVIDING LANGUAGE ACCESS



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## Source of Language Access Laws

- Title VI- No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving financial aid assistance.
- LEP Executive Order 13166 (2001)
  - Requires all agencies receiving any federal financial assistance to
  - Ensure meaningful language access
  - Develop and implement language access plans
  - "Where the denial or delay of access may have life or death or other serious implications, the importance of the full and effective delivery of LEP services is at its zenith."



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## What is Meaningful Access?

- Meaningful access is defined in the US Department of Justice's own Language Access plan as:
 

“Language assistance that results in accurate, timely and effective communication at no cost to the LEP individual. For LEP individuals, meaningful access denotes access that is not significantly restricted, delayed or inferior, as compared to programs or activities provided to English proficient individuals”

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## DOJ Model Guidance

- Federally funded programs provide free language access to:
  - LEP persons who request it
- Inform members of the public that language assistance is available free of charge
- Language access provided in persons primary language

**DOJ Sample Policy Center City Police Department  
DOJ Approach to language access outline in:  
Steps for Obtaining Interpreters**

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## Language Resources

- Language line
- Video remote interpretation
- Video relay interpretation
- Department interpreters line developed in response to large local refugee population
- Immigrant community based organization partners
- Health care providers
- School systems
- Court systems



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## Interpretation Best Practices

- Evaluation systems
- Interpreter uses a dictionary, takes notes
- Interpreter comfortable with subject matter of the case
- Address cultural experiences ahead of time
- Ensure that they do not know the parties
  - If using telephonic interpreters: first ask where they are located
- Team interpreting and interpreter breaks

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## KEYS TO SUCCESS: ACCESS TO BENEFITS AND SERVICES GROWS AS CHILDREN AND VICTIMS PURSUE IMMIGRATION RELIEF



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## Access for All

**Both documented and undocumented immigrant survivors can access:**

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

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### 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




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### 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





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### Federal Benefits Available to ALL Immigrants



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




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### When children qualify and their parents 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



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### HUD/DOJ/HHS Letter

- HUD, DOJ, and HHS confirmed in a joint letter that federally funded housing providers must not turn away individuals based on their immigration status from programs, services, or assistance necessary to protect life or safety
- Examples of such programs and services:
  - Short-term shelter or housing assistance
  - Crisis counseling or intervention programs
  - Medical and public health services necessary to protect life or safety



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### Health Care Open to All Immigrants

- Community and migrant health clinics
  - [www.nachc.com](http://www.nachc.com)
  - [www.hrsa.gov](http://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



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### 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



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### Immigrant Survivors’ Legal Rights to Access Federal and State Funded Benefits

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### Access to Health Care in Nebraska

- Health Insurance Exchange
  - T visas/continued presence(& their children) - subsidies
  - VAWA self-petitioner with prima facie and U visa victims with wait-list approval
    - Adults who entered prior to 8/22/1996 – subsidies
    - Entered after 8/22/1996 – subsidies for children; adults no subsidies for the first 5 years after prima facie
  - SIJS applicant children – subsidies
- Prenatal care = no immigration restrictions



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### Access to Public Benefits in Nebraska

- SSI
  - T visas (& their children)
- Public and Assisted Housing & Vouchers
  - T visas (& their children)
  - VAWA self-petitioner (& children)
- Educational Grants/Loans (FAFSA)
  - T visas, VAWA self-petitioners (& their children)
  - SIJS children, U visas after lawful permanent residency



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### Post-Secondary Education Nebraska In-State Tuition Residence

- Home in Nebraska 180 days + pending application to attain lawful status with DHS, OR
- Resided in the state while attending high school and graduated, and
  - 3 years residence prior to graduation; and
  - Provided the post-secondary institution an affidavit of intent to file for permanent residence at the earliest opportunity



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**SSI**

- Federal
  - 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
- State
  - VAWA self-petitioners = 5 states
  - U visa applicants = 5 states
  - T visa bona fide = all states

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**Importance of Victim Advocacy**

- Benefits law complex
- Need trained advocates and attorneys
- Importance of accompanying immigrant and LEP victims applying for benefits
- Need to prepare, bring copies of relevant laws and advocate
- Link benefits providers to legally correct information about benefits immigrant victims qualify to receive

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**Working Effectively Cross Culturally**

- Ask open-ended questions
- Avoid using legal jargon
- Know our Own Assumptions and Do Not Use Them
- Offer help to survivors who choose not to leave
- Allow an immigrant survivor to define:
  - what she needs
  - her fears
  - the barriers she must overcome to seek help
- She will define these from within her own cultural context
- Make a list

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## National Immigrant Women's Advocacy Project Resources



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### NIWAP Web library

[niwaplibrary.wcl.american.edu](http://niwaplibrary.wcl.american.edu)



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### Types of Technical Assistance

- Case consultations
- Training materials and practice tools
- Legal research, motions, briefs
- In-person trainings and webinars
- 24/7 web library and training videos
- Help developing policies/protocols
- Strategies for removing systemic barriers
- Community of Practice and Roundtables
- List serves



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## Public Benefits

- NIWAP's public benefits map
  - <http://map.niwap.org/>
- NIWAP's public benefits charts
  - <http://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts/>




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## NIWAP Topics

- VAWA, U and T Visas, Gender-based asylum, SIJS
- VAWA confidentiality
- U and T Visa certification
- Language access and legal services access
- Immigration allegations in custody, CPOs, and divorce
- Special Immigrant Juvenile Status (SIJS), child abuse, and protective battered immigrant parents
- Public benefits access for immigrant victims
  - Health care, housing, TANF, SNAP, FAFSA, and more
- Serving victim's cultural, religious, and immigration needs
- Providing trauma informed help for immigrant survivors




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## Interested in Joining the Community of Practice or Roundtable

- Application available at:
  - <http://niwap.org/go/COPapplication>
- To register for the Law Enforcement & Prosecution U Visa Roundtable, visit
  - <http://niwap.org/go/LEAroundtables/>




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## Technical Assistance and Materials

- Power Point presentations and materials for this conference at
  - <http://niwaplibrary.wcl.american.edu/september-2019-nebraska-law-enforcement/>
- **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)



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