

NIWAP



Immigration Relief For Victims of Human Trafficking: Importance of Early Identification

**Hyannis, Massachusetts
April 11, 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
- 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:

- Screen survivors eligible for immigration legal remedies
- Discuss legal immigration remedies and benefits for qualified immigrants including the identification of human trafficking co-occurring with domestic violence, sexual assault, stalking and child abuse
- Understand the importance for human trafficking victims or early identification and filing for T visa, VAWA, U visa and Special Immigration Status



**What
countries
do the
victims you
work with
come from?**

Massachusetts (2022)*

- ❖ Total foreign born population – 1,259,871
- ❖ 18% of the state's ~ 7 million people are foreign born
 - 55.2% naturalized citizens
 - 27% legal permanent residents (as of 2019)*
 - 17.4% temporary visa holders or undocumented immigrants
- 63.0% rise in immigrant population from 2000 to 2022
- ❖ Length of time immigrants have lived in the U.S.
 - 39.8% entered before 1999
 - 21.3% entered 2000 - 2009
 - 38.8% since 2010
- ❖ 33.2% of children under age 18 have one or more immigrant parents
 - 84.3% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (July, 2024) and Lawful Permanent Residents MPI and DHS (2022)*

Massachusetts – Countries/Regions of Origin & Limited English Proficiency (LEP)(2022)*

- ❖ Latin America – 40.9%
 - ❖ Caribbean (16.5%)
 - ❖ Central America (9.3%)
 - ❖ Brazil (9.0%)
 - ❖ Asia – 26.7%
 - ❖ China/Taiwan (9.2%)
 - ❖ South Central Asia (9.1%)
 - ❖ India (6.5%)
 - ❖ Southeastern Asia (6.7%)
 - ❖ Europe – 17.2%
 - ❖ Eastern Europe (6.5%)
 - ❖ Portugal (3.7%)
 - ❖ Africa – 9.4%
 - ❖ Western Africa (4.6%)
 - ❖ Middle East – 3.6%
 - ❖ Canada – 2.0%
 - ❖ Oceania – 0.3%
- Language spoken
- ❖ 25.0 % of people in the state who speak a language other than English at home
 - ❖ 43.2% of foreign born persons are LEP - speak English less than “very well”

**Source: Migration Policy Institute Data Hub (July, 2024)*

Massachusetts -Languages Spoken at Home (2022)*

- ❖ Spanish (634,281)
- ❖ Portuguese (227,610)
- ❖ Chinese (including Mandarin, Cantonese) (136,325)
- ❖ Haitian (76,992)
- ❖ Vietnamese (45,497)
- ❖ French (Including Cajun) (44,129)
- ❖ Arabic (41,471)
- ❖ Russian (35,519)
- ❖ Khmer (28,708)
- ❖ Hindi (26,729)
- ❖ Italian (26,544)
- ❖ Nepali, Marathi, or Other Indic Languages (18,894)
- ❖ Yoruba, Twi, Igbo, or Other Languages of Western Africa (18,526)
- ❖ German (15,395)
- ❖ Telugu (13,481)
- ❖ Gujarati (12,619)
- ❖ Japanese (10,149)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/IA> (July, 2024)

Massachusetts - LEP (2022)*

- ❖ Limited English Proficiency (Speak English less than very well)
 - ❖ Naturalized citizens – 35.3%
 - ❖ Noncitizens – 53.2%
- ❖ Limited English Proficiency by language spoken at home
 - ❖ Vietnamese (58.9%)
 - ❖ Khmer (53.4%)
 - ❖ Portuguese (46.3%)
 - ❖ Chinese (including Mandarin, Cantonese) (46.2%)
 - ❖ Spanish (44.8%)
 - ❖ Haitian (44.2%)
 - ❖ Korean (41.1%)
 - ❖ Russian (39.3%)
 - ❖ Arabic (36.5%)
 - ❖ Nepali, Marathi, or Other Indic Languages (28.9%)
 - ❖ Gujarati (26.7%)

* Source: <https://www.migrationpolicy.org/data/state-profiles/state/language/IA> (July, 2024)

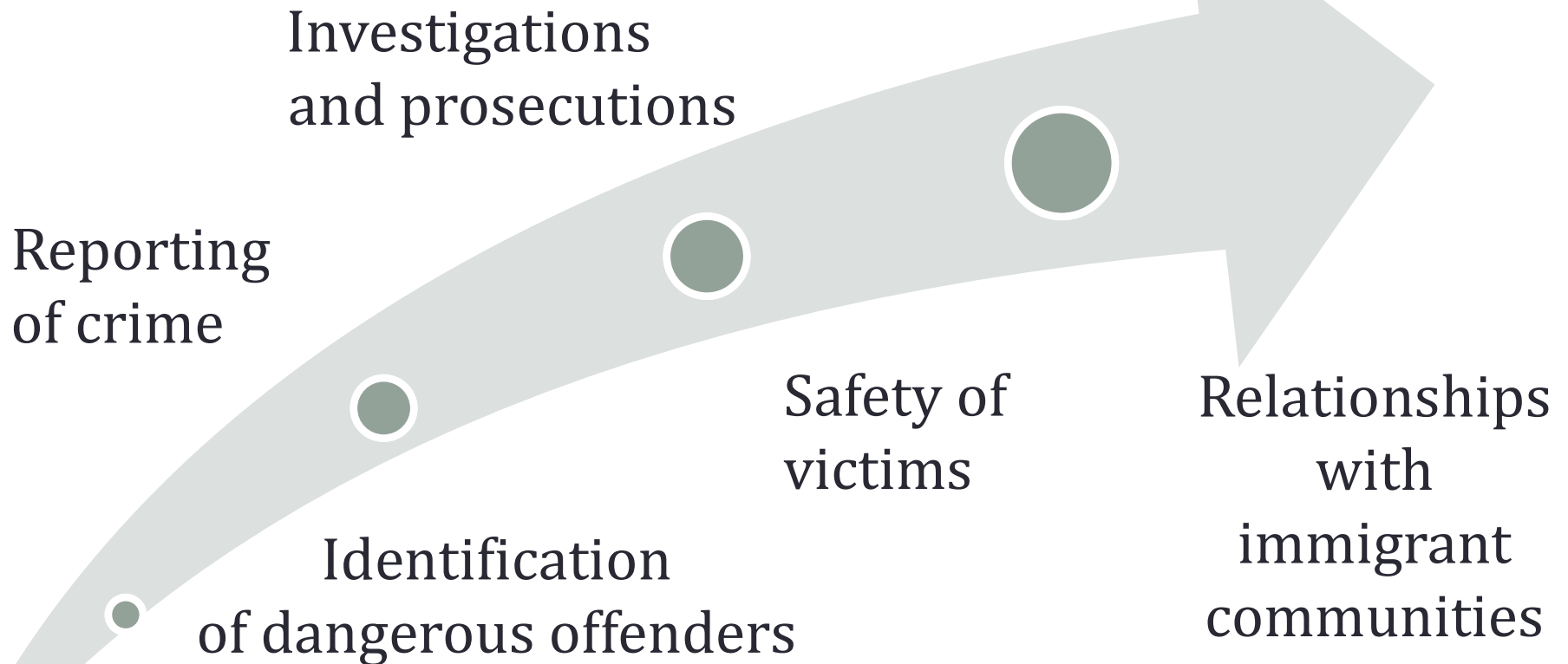
LEGAL IMMIGRATION OPTIONS

Large Group Discussion

How do VAWA's legal immigration protections benefit immigrant victims and their children ?

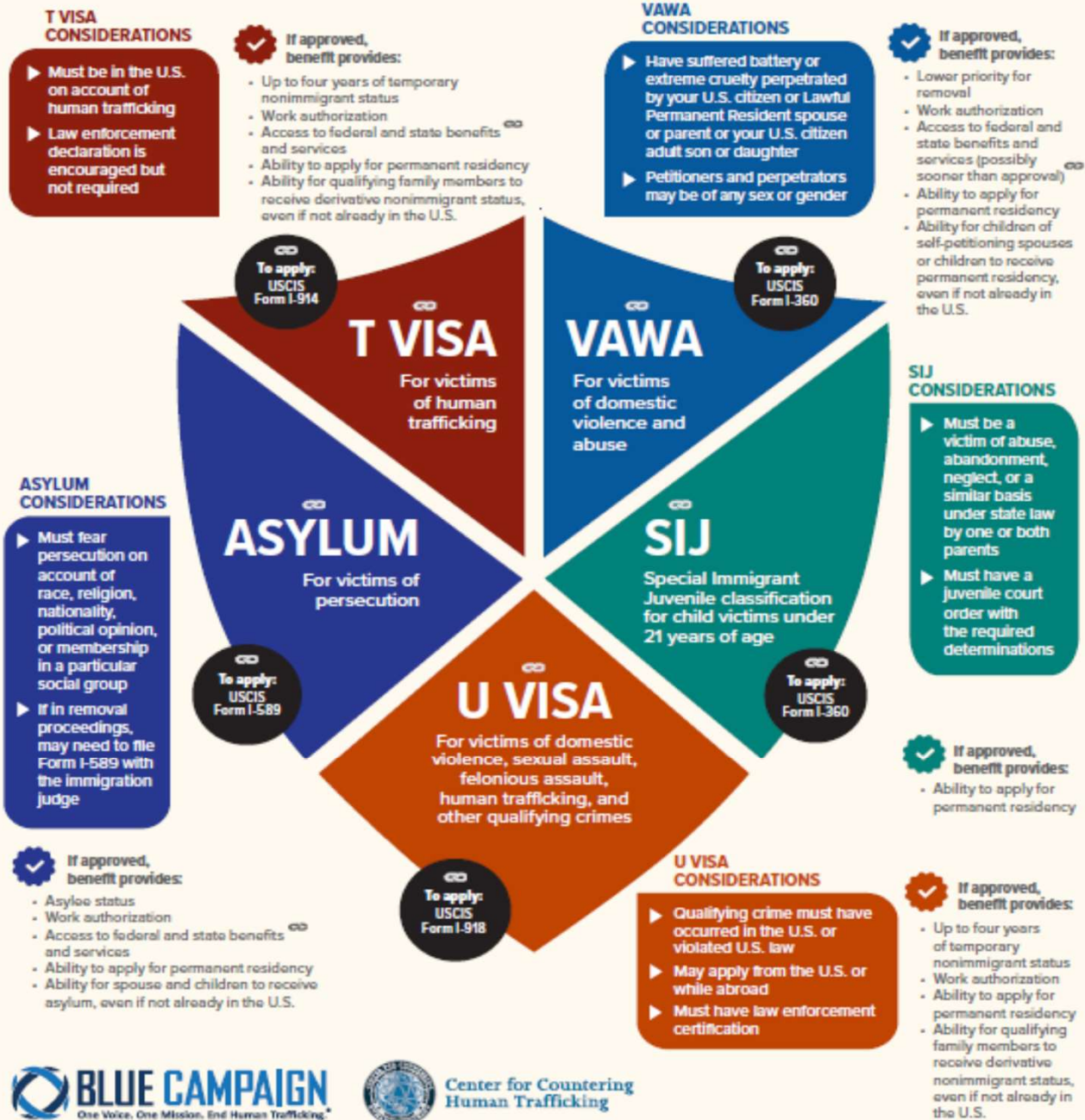
Legislative Intent

Congress enacted VAWA self-petitioning (1994), the U and T visas (2000, 2005, 2008) & Special Immigrant Juvenile Status (SIJS) (1990,2008) to improve:



U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS

U.S. Legal Immigration Benefits for Noncitizen Victims of Crime and Abuse



Immigration Relief Available for Immigrant Victims of ---

- Domestic violence
 - Child abuse
 - Elder 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
 - Hate Crimes
 - Video voyeurism
 - **Parent perpetrated**
 - **Child abuse**
 - **Child neglect**
 - **Child abandonment**
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

Benefits for Survivors

- Access to legal immigration status
- Financial independence from the perpetrator
 - Legal work authorization (6 months to 2 years from filing)
 - Issuance of federally recognized driver's licenses and IDs
 - Victims' increased eligibility for federal and state benefits & services
- VAWA confidentiality
 - Protection from deportation

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - spouse; parent; or citizen adult son/daughter (over 21)
- With whom Self-Petitioner Resided
 - No time period required
- Good Moral Character
- Good Faith Marriage
- VAWA cancellation of removal has similar eligibility requirements
- 2023 time to work authorization = 4-34 months

Battered Spouse Waivers

- For domestic violence survivors, provides for waiver of the “condition” placed on the status of immigrant spouses of marriages less than two years old
- Waives both the joint filing requirement and two year wait for full lawful permanent resident status
- Requires proof that:
 - Marriage to a U.S. citizen or permanent resident entered into in good faith and
 - Spouse or child was battered or subjected to extreme cruelty
 - Child can include step-child
 - Immigration and Nationality Act § 216(c)(4)
- 2023 time to approval 17.5 to 29 months

Special Immigrant Juvenile Status (SIJS)

- Immigration legal remedy for unmarried children
- Under the age of majority under state law
- Victims of abuse, abandonment, neglect, or dependency
 - By at least one parent
- To apply must submit the required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child
- 2023 time to work authorization = 6 months

U Visa Requirements

- Victim of a qualifying criminal activity
- Has been, is being, or is likely to be helpful in
 - Detection, investigation, prosecution, conviction or sentencing
- Suffered substantial physical or mental abuse as a result of the victimization
- Possesses information about the crime
- Crime occurred in the U.S. or violated U.S. law
- 2023 time to work authorization – 60-62 months

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 impedes helpfulness/cooperation
- Removal from the U.S. would cause extreme hardship
- 2023 time to work authorization = 18 months

Protections for Abused Children and Family Members

- T and U visa applicant = Victim/parent of an abused child can apply for family:
 - Over 21: spouse and children/stepchildren
 - Under 21: spouse, children, stepchildren, parents, unmarried siblings under 18
- VAWA self-petitioner = Abused child, stepchild, parent or parent of an abused child can apply for the family:
 - Over 21: applicants' children/stepchildren
 - Under 21: Can include their parent and their children
- Special Immigrant Juvenile Status = child victim
 - Family included: None

Clara and Eduardo Case Scenario

Clara met Eduardo, a lawful permanent resident, when he came back to his hometown to visit his family in El Salvador. Eduardo started dating Clara who was raising her 9 year old son Miguel. After Clara became pregnant and gave birth to a baby girl Lupe, Eduardo decided to bring Clara, Miguel, and Lupe to the U.S. to live with him. When they arrived in the U.S., Eduardo took Clara, Miguel, and Lupe's passports and became physically and sexually abusive of Clara and abusive of Miguel who tried to protect his mother from Eduardo's abuse. Eduardo also physically beat Lupe when he said she "misbehaved". Within a year following their arrival in the U.S., Eduardo forced both Clara and Miguel to work for his family's business and never paid them for their labor. One night when Miguel was 13 and Lupe was 5, Eduardo's rage led to severe beatings with a belt of Miguel and of Lupe. When Clara intervened to protect the children, Eduardo strangled her until she passed out. The neighbors called the police for help, and Clara talked to the police when they arrived. The police arrested Eduardo for attempted murder and child abuse, took Clara to the hospital, and placed the children in the care of the state.

What forms of immigration legal remedies would Clara qualify for?

What forms of immigration
legal remedies would Miguel
qualify for?

What forms of immigration legal remedies would Lupe NOT qualify for?

Deferred Action and Work Authorization

- VAWA self-petition (requires marriage)
 - Eduardo U.S. Citizen
 - 3 months work authorization
 - 34 months deferred action
 - Eduardo Lawful Permanent Resident – 34 months
- T Visa – 6 months through bona fide determination
- SIJS – 6 months
 - For Lupe as a victim of child abuse by Eduardo
 - For Miguel if abandoned by his natural father
- U visa – up to 5 years

After VAWA Self-Petitioners and U Visa Victims Receive Work Authorization and Deferred Action

- Increased justice system involvement
 - 114% increase in willingness to trust the police
 - 36% make police reports regarding future crimes
 - 60% seek protection orders and/or custody
 - 22% help other victims report abuse and seek help/justice
- Significant reductions in abusers using immigration as a tool to perpetuate abuse
 - 74% decline in immigration-related abuse
 - 78% decline in threats to snatch/cut off access to children
 - 65% decline in efforts of abusers to use immigration to gain an advantage in family court

BENEFITS OF EARLY IDENTIFICATION OF HUMAN TRAFFICKING VICTIMS: INCLUDING IN THE CONTEXT OF CO-OCCURRING CRIMES

A Severe Form of Human Trafficking

TVPA, 22 U.S.C. § 7102(11)

Act

- Recruit
- Harbor
- Transport
- Provide
- Obtain

Means

- Force
- Fraud
- Coercion

Purpose

- Commercial sex
- Involuntary servitude
- Peonage
- Debt bondage
- Slavery

Coercion

22 U.S.C. § 7102(3)

Threats of serious harm to or physical restraint against any person;

Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person;

The abuse or threatened abuse of the legal process.

Serious Harm

22 U.S.C. 7102(3)

Any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

Totality of the Circumstances

Serious Harm

- Physical or nonphysical
- Psychological
- Financial
- Reputational

Circumstances

- The surrounding circumstances

Victim

- Same background
- In the same circumstances

T Visa Requirements

Applicant is a victim of severe form of human trafficking

- Refers to the federal definition of human trafficking

Applicant is in the U.S. because of trafficking

- Not necessary that the victim came to the U.S. because of trafficking; can be in the U.S. for the investigation

Responds to “reasonable requests for collaboration”

- Trauma exception in specific cases

Hardship upon return to home country

T Visa Facts

- T Visa is a temporary visa for 4 years
- May apply for lawful permanent residence after either 3 years or after the investigation or prosecution is concluded
- Applicants are encouraged to submit a Law Enforcement Declaration along with their application, but it is not required

T Visa Declaration

- Identify type of trafficking (sex, child sex, labor)
- Describe the victimization
- Identify the relationship with the crime detected, under investigation, being prosecuted, conviction or sentencing, and dates
- Comments on potential for retaliation or revenge from trafficker if victim is removed from U.S.
- Dates of trafficking
- Statutory citations to crimes
- Information about victim's involvement in case(s) against trafficker
- Names and relationship of any family members involved in the human trafficking

T Visa Final Rule Highlights

- New Bona Fide Determination process –
 - Stays removal, public benefits, work authorization
 - Submit any needed additional evidence before 8/28/24
- VAWA confidentiality
- Exempt from Public Charge
- Trauma informed definitions of:
 - Coercion, commercial sex act, involuntary servitude, serious harm, trauma exception, and extreme hardship

Includes “Attempted Trafficking”

- Cases where the applicant has not performed labor or services or a commercial sex act
- When the victim can prove they are otherwise eligible for a T visa and
- But/for some intervention or victim’s escape the perpetrator would have trafficked them

81 Fed. Reg. 92271

U VISAS PROMOTE TRUST AND
PARTNERSHIP WITH LAW
ENFORCEMENT AND PROSECUTORS

U Visa Facts

- Only 10,000 U visas can be granted annually
- Bona Fide determination with work authorization 4-5 years after filing
- The U visa grants a temporary 4-year stay
- Only some U visa holders will qualify for lawful permanent residency– no guarantee
- U.S. citizenship can only be attained after lawful permanent residency for 5 years + proof of good moral character

U Visa Requirements

Victim

- Qualifying criminal activity
- Possesses information about the crime
- Criminal activity occurred in U.S. or violated U.S. law

Helpfulness

- Victim has been, is being, or is likely to be helpful in *any of the following*:
 - Detection
 - Investigation
 - Prosecution
 - Conviction
 - Sentencing

Harm

- Substantial physical or mental abuse as a result

This is not a part of the certification.

Immigration Relief Available for Immigrant Victims of ---

- Domestic violence
 - Child/elder abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Hate Crimes
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
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- Abusive sexual contact
- Sexual exploitation
- Unlawful criminal restraint
- Video voyeurism
- Aggravated robbery

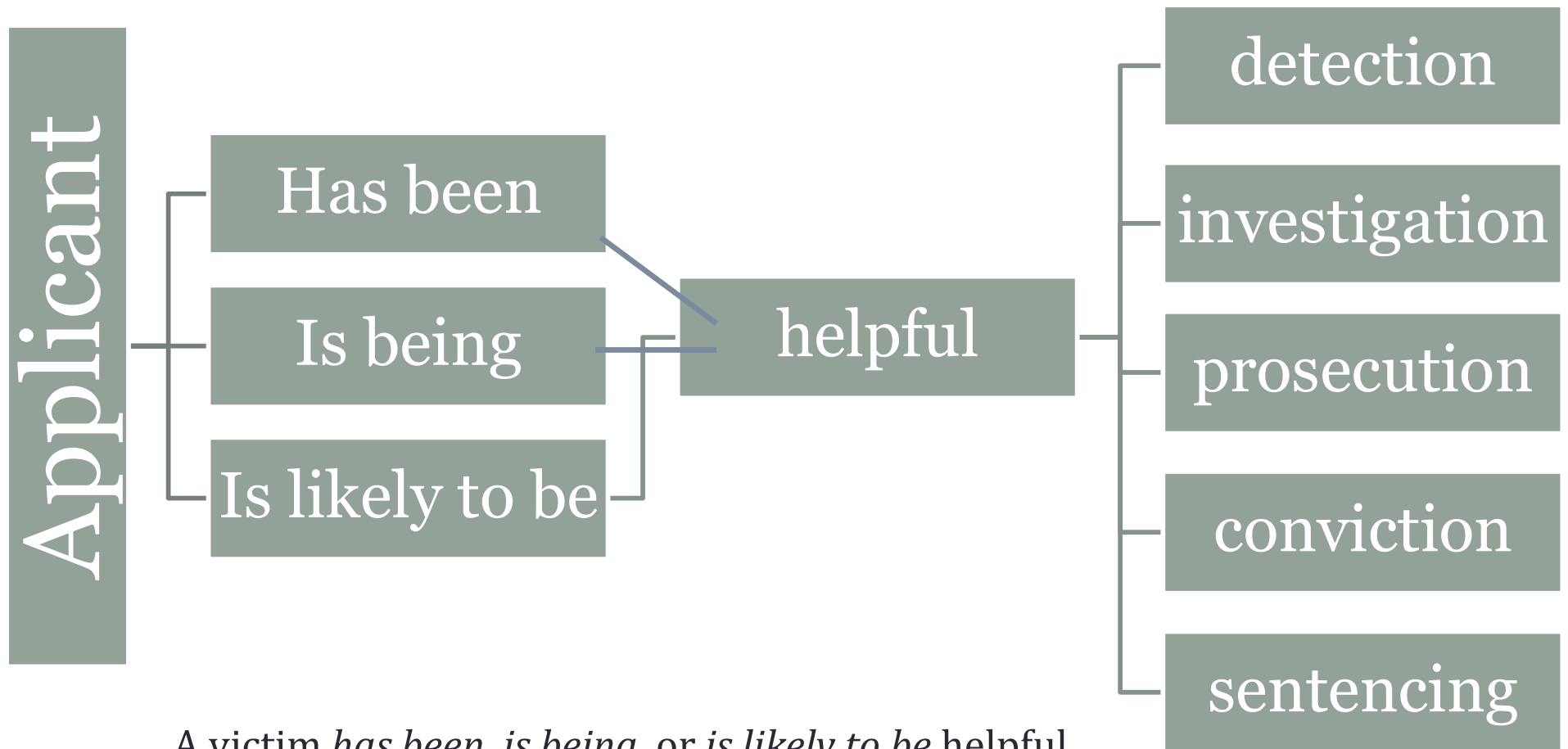
Attempt, conspiracy, or solicitation to commit any of these crimes or any similar activity

Who can apply?

- Parents and guardians can apply as an “indirect victim” if:
 - The direct victim is a child under 21 years of age and/or is incompetent, incapacitated, or deceased due to murder or manslaughter
 - They demonstrate helpfulness
- When the victim is a child, the helpfulness requirement can be met by a “next friend” or family member being helpful
- Bystander victimization – very limited

Definition of “Helpfulness”

8 C.F.R 214.14(b)(3)



A victim *has been, is being, or is likely to be* helpful to law enforcement, prosecutors, judges, or other government officials

Determining Helpfulness

- Certifying agency determines “helpfulness”
- No degree (or timing) of helpfulness required
 - DHS adjudicates helpfulness based on– totality of the circumstances
- Any agency may complete U Visa certification as soon as they assess victim’s helpfulness
- Victim’s criminal history does not preclude U visa eligibility, particularly when crime connected to the abuse
- The investigation or prosecution can still be ongoing
- Certification can be “revoked”

What are some examples of
helpfulness?

Helpfulness May Include:

Calling 911

Having a Rape Kit performed

Providing a description of offender or their whereabouts

Allowing photographs to be taken

Filing for a protection order

Bringing a minor victim to court

Providing a statement about “other bad acts”

Providing evidence of abuse in a custody, child welfare, or divorce case

Testifying at a bond hearing, trial, or sentencing

Not Required

- Within the statute of limitations
- Conviction
- Charges filed
- Offender arrested/prosecuted
- Victim provides testimony at trial
- Victim is a necessary witness
- Offender is identified
- Offender alive
- Case involving offender is open or closed

Large Group Discussion

- Which groups of human trafficking victims are you seeing in your work?
 - Adults/children/youth
 - Sex trafficking/Labor trafficking/Both
- Raise your hand if you have worked with victims of any of these crimes who were or may have also been trafficking victims
 - Intimate partner violence
 - Sexual Assault
 - Child abuse
 - Stalking

Benefits of Identifying Human Trafficking in Family Violence Cases

- How might survivors and/or their children benefit from being identified and applying for relief as a human trafficking victim?

Benefits for Abused Immigrant Clients of Being Identified as Human Trafficking Victims

- Victims and their children eligible for
 - T visas and continued presence
 - Many more public benefits
 - Trafficked children eligible for OTIP letters
- Improves abused immigrant's economic security and protection from deportation
 - Faster path to work authorization, driver's licenses, and government issued IDs
 - Greater access to protection from deportation,

Familial Trafficking

- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
 - Parent, grandparent, aunt, uncle, cousin, sibling
 - With 45.8% parent or guardian
- 65% of sex trafficked children come from unstable homes or compromised parenting
 - Almost 20% have a history of child abuse or neglect
- Up to 34% of sex trafficked children are trafficked by an intimate partner
- Cole, J., & Sprang, G. Sex trafficking of minors in metropolitan, micropolitan, and rural communities. *Child Abuse & Neglect* (2014), <http://dx.doi.org/10.1016/j.chiabu.2014.07.015>

Coercive Control

Immigration Status

- Among abusive spouses who could have filed for spouse's legal immigration papers:
 - 72.3% never file immigration papers
 - 27.7% who filed had a mean delay of 3.97 years.
 - Immigration related abuse 10X higher in relationships involving physical/sexual assault vs psychological abuse

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

NCJFCJ Model Code

Coercive Control

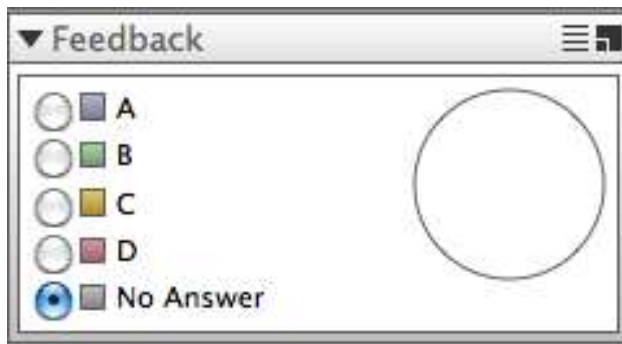
- Range of abusive behaviors beyond physical violence
 - Problematic and dangerous parenting
 - Intimidation, implicit/explicit threats, or compels compliance
 - Purpose of restricting victim's safety or autonomy, trapping them, or using cultural practices/beliefs or immigration to instill fear and maintain control over the victim

See Revised Chapter Four: Families and Children Model Code on Domestic and Family Violence (December 30, 2022)

<https://www.ncjfcj.org/publications/revised-chapter-four-families-and-children-model-code-on-domestic-and-family-violence/>

Poll: True or False?

- DHS recognizes that human trafficking can occur in domestic violence relationships?
 - A. True
 - B. False



Involuntary Servitude in a Domestic Violence Relationship

8 C.F.R. § 214.201

<https://www.uscis.gov/policy-manual/volume-3-part-b-chapter-2>

- Violates federal & state anti-trafficking laws
- Forced to work by use/threat of
 - physical restraint or physical injury
 - Coercion through law or legal process
- Goal of abuser to subject victim to a condition of servitude

Abuse Or Threatened Abuse Of The Legal Process

Is the use or threatened use of a law or legal process whether administrative, civil, or criminal,

- In any manner or for any purpose for which the law was not designed,
- In order to exert pressure on another person to cause that person
- To take some action or refrain from taking some action.

8 C.F.R. § 214.201

Conditions of Servitude

3 USCSIS-PM B.2(B)(4)]

- “An expectation that the victim’s life fulfills the orders of the trafficker (such as a demand from the trafficker to perform domestic labor at an unreasonable level, including unreasonable working hours, and constant availability to labor regardless of health or energy);
- Lack of control over the victim’s own wages despite laboring under the trafficker’s demands; or
- The imposition of unequal living arrangements as part of the campaign of force, fraud, and coercion (for example, unequal sleeping arrangements, living arrangements, or access to nourishment).”

Continued Presence (CP)

- Temporary immigration status for any victim of human trafficking *who may be a potential witnesses*
 - Sex and/or labor trafficking
- Victim (and certain family) remain lawfully in the United States during investigation or prosecution into human trafficking
- Granted for two years, can be renewed
 - Receive work authorization, protection from removal, public benefits, and services
 - Does not guarantee long-term immigration relief
 - T Visa application typically filed while the victim has CP

Continued Presence – Law Enforcement Role

- Officers should refer victims to federal authorities who are authorized to file continued presence applications for trafficking victims with the DHS
- Trafficking victims must be “sponsored” by federal law enforcement
- Law enforcement initiates application immediately after identifying victim; cooperation is not required
- Can be revoked

Federal Continued Presence Sponsors

- Homeland Security Investigations
- Federal Bureau of Investigations
- State Department Diplomatic Security Services
- DOJ – U.S. Attorneys Offices, Civil Rights Division, Criminal Section
- U.S. Marshall's Services
- U.S. Department of Labor
- Equal Employment Opportunity Commission

How can local or state law enforcement utilize Continued Presence?

- Collaborate with federal partners since the paperwork must be filed by a federal law enforcement agency
- Good point of contact: Local HSI Victim Assistance Coordinator (VAC) or Victim Assistance Specialist (VAS)

Office of Trafficking in Persons at the U.S. Department of Health and Human Services

- The Office of Trafficking in Persons (OTIP) at HHS issues:
 - Certification Letters to foreign national adults
 - Bona fide T applicants and Continued Presence (CP)
 - Child Eligibility Letters to foreign national children
 - No DHS application required- may have (CP)
- Both letters provide access to state and federal public benefits for human trafficking victims
- Must be accepted by Federal and State agencies

HHS Child Eligibility Letters

- The Trafficking Victims Protection Act (TVPA) requires government officials to report to Office on Trafficking in Persons with 24 hours of having credible information
 - That an immigrant child “may be a victim of trafficking”
- Reports are made by filing a Request for Assistance (RFA) through HHS Shepherd system
 - Must file child’s RFA before age 18
 - Children can receive interim assistance for up to 90 days



What Child Eligibility Letters Provide

- HHS reviews Requests For Assistance (RFAs) and connects potential victims of trafficking with state and federal benefits and services
- Eligibility letters give child trafficking victims access to benefits, case management, and services to the same extent as refugees
 - Access to benefits throughout the time the child is applying for continued presence, T visa, or U visa
 - Duration

Adult OTIP Certification Process

- After an adult trafficking victim receives
 - T visa
 - Bona fide determination in a T visa case
 - Continued Presence (CP)
- Can request Trafficking Victim Certification Letter
 - until T visa or CP expires
 - Timing important
 - Some benefits only available in limited time frame after letter is received

Duration and Family Members

- Certification letters issued only to the primary applicant
 - Applicant family members apply for benefits directly based on their status
- If a Child Eligibility Letter was received when they were a minor, they will not receive a Certification Letter as an adult.
 - The Eligibility Letter can still be used when they are an adult.



Child Eligibility Benefits

Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income		Medicaid				Unaccompanied Refugee Minors Foster Care Program
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings				Voluntary Agency Matching Grant Program
		Refugee Medical Assistance				



Adult Certification Benefits

Monetary Assistance	Nutrition	Medical Services	Education	Employment	Housing	Multiple Needs Assistance
Refugee Cash Assistance	Supplemental Nutritional Assistance Program	Children's Health Insurance Program	Title IV Federal Student Financial Aid	Job Corps	Public Housing Program	Refugee Social Services and Targeted Assistance
Supplemental Security Income		Medicaid		Matching Grant	Tenant-Based Vouchers	
Temporary Assistance for Needy Families		Office of Refugee Resettlement Medical Screenings		Refugee Support Services		
		Refugee Medical Assistance				

Public Benefits and Services for Qualified 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

Exempt Community Programs Necessary for Protection of Life or Safety Under 1996 Welfare Reform Legislation

(8 U.S.C. Section 1611(b)(1)(D)) (66 Federal Register 3613)

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

In-Kind 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



Health Care Open to All Immigrants

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



Medical Forensic Exams (MFEs) and VAWA Coverage

- VAWA 2005
 - States must provide or arrange for no-cost rape kits for sexual assault survivors to qualify for STOP grants.
 - MFEs are available to all survivors without requiring a police report or justice system cooperation
- VAWA 2013
 - Prohibits states from charging for rape kits and later reimbursing sexual assault survivors for out-of-pocket expenses.
 - States and healthcare providers must notify victims
- Available without regard to immigration status

Benefits and Services For Qualified Immigrant Victims of Domestic Violence, Sexual Assault, Stalking, Child Abuse, and Human Trafficking



Qualified Immigrant Access to Federal Public Benefits

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

Federal Benefits Immigrant Restrictions

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

Examples of “Federal Public Benefits”

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

Who are “Qualified Immigrants”?

- 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

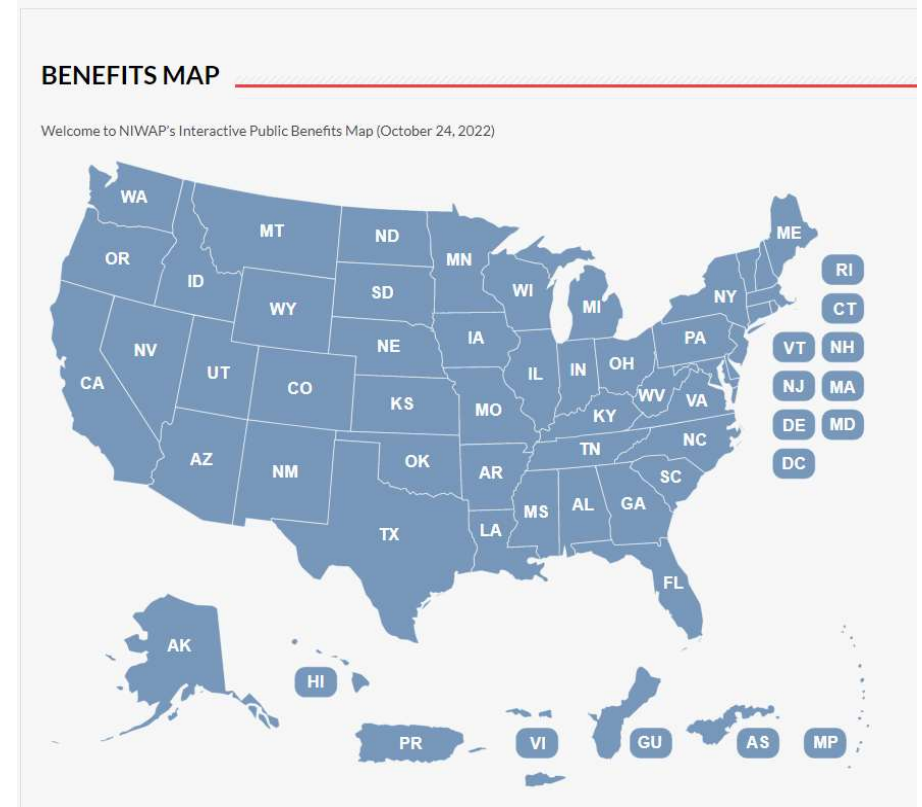
Interactive Public Benefits Map State-By-State

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.

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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 Massachusetts Part 1

- TANF and TANF funded Child Care
 - T bona fide, T Visas, Continued Presence, refugees, asylees
 - Battered immigrants: VAWA self-petitioners with prima facie, battered spouse waivers, and battered lawful permanent residents
 - All other lawful permanent residents *after 5 year bar* (e.g. SIJS and U visa cases)
- Child care: Child Care Development Fund no restrictions

Benefits in Massachusetts Part 2

- Health Care Exchanges: T bona fide, T visa, CP, asylee, refugee, VAWA, U visa with deferred action (bona fide/waitlist), SIJS applicants, DACA, PRUCOL
 - Eligible for MASSHealth insurance through the Massachusetts Health Connector Marketplace and may be eligible for subsidies.
- Health care without regard to immigration status for
 - Child Health Care: Children's Medical Security Plan provides primary and preventive care to all children under age 19
 - Health care for pregnant persons: Prenatal care, full-scope health care, and 12 months postpartum care
- Full scope adult MassHealth:
 - T visas, T bona fide, Refugees, asylees, CP, T visa
 - VAWA prima facie
 - U Visa bona fide, waitlist approved and U visas (5 yrs)

Benefits in Massachusetts Part 3

- Full scope adult health care through MassHealth:
 - Qualified immigrants with state subsidies for income eligible adults subject to 5-year bar
 - T visas, T bona fide, Refugees, asylees, CP, T visa, VAWA prima facie, lawful permanent residents
 - PRUCOL adults if income eligible who are
 - Pregnant, Parents, Seniors, Caretaker relatives, Persons with disabilities
- 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 Pennsylvania Part 5

- 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 and state funded financial aid if
 - At least 3 academic years in and graduated or received a GED from a Massachusetts high school AND
 - Have SSN, ITIN, military registration, or affidavit stating will apply for LPR withing 120 days of becoming eligible
- Drivers' license - federally recognized at work authorization
 - State issued: Available without regard to immigration status with proof of identity, date of birth, and state residence

Benefits in Massachusetts 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 with 40 quarters of work credit (e.g. SIJS & U visa)
- 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

Technical Assistance and Materials

- Power Point presentations and materials for this training at <https://niwaplibrary.wcl.american.edu/CapeCod2025>
- **NIWAP Technical Assistance**
 - Call (202) 274-4457
 - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu