

Enhancing Safety Planning and Immigrant Survivors' Access to Public Benefits and Services in Prince George's County Through A Trauma-Informed Approach

Prince Georges County, Maryland

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Webinar



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Learning Objectives

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

- Conduct case and safety planning with immigrant survivors in light of available immigration and confidentiality protections
- Use trauma-informed approach to your work with immigrant survivors
- Know how to assist immigrant and refugee survivors accessing housing, public benefits, legal service and justice system help in a trauma informed manner

Poll 1: Let's see who is on the webinar with us

Please check the box that best describes you:

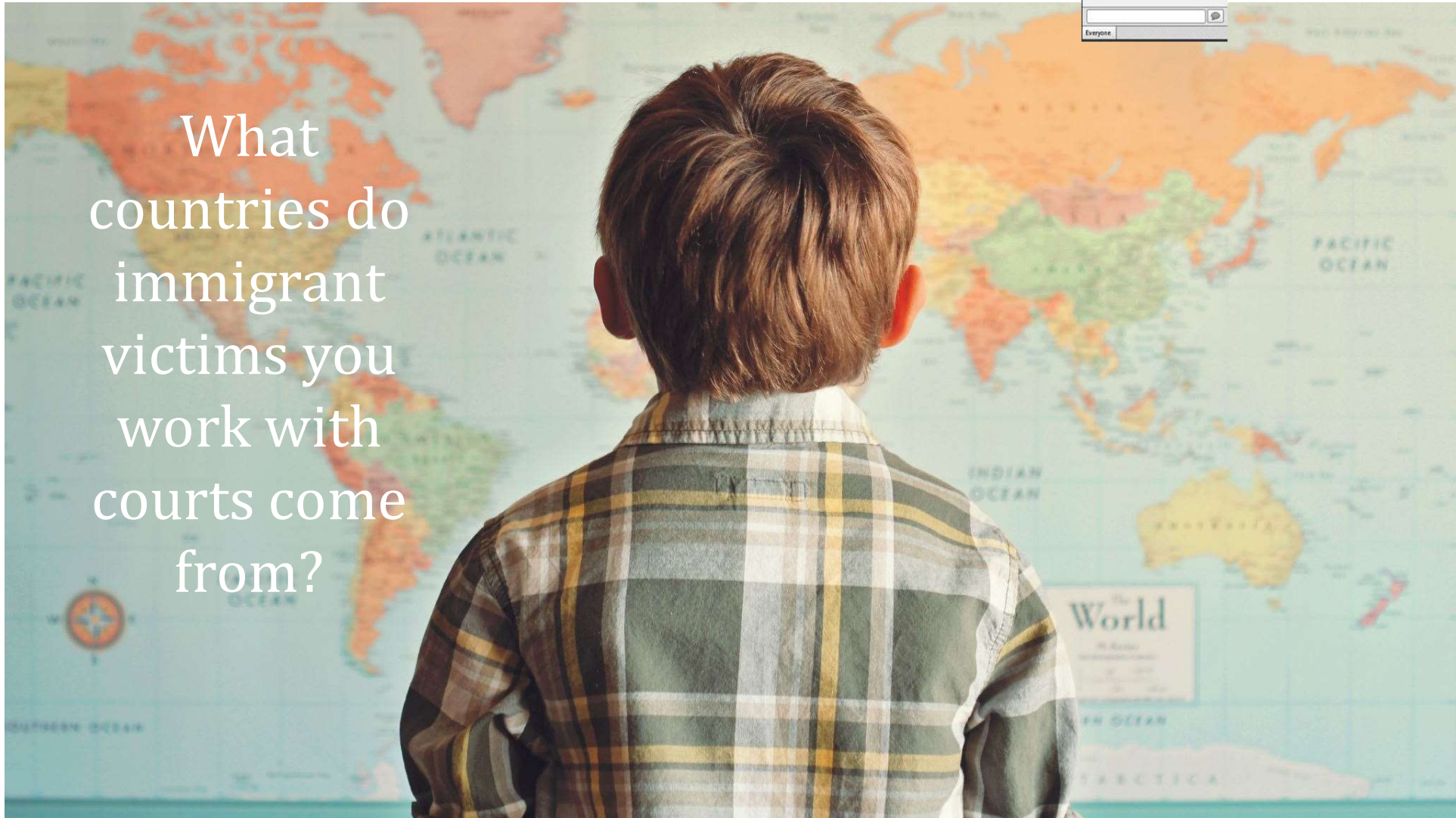
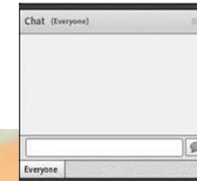
- A. Victim Advocates
- B. Attorneys
- C. Prosecutor/law enforcement agency staff
- D. Shelter staff/Social service providers
- E. Other – type in the chat



POLL

Demographics

Poll 2: Type in the chat box



What countries do immigrant victims you work with courts come from?

Maryland Demographics (2018)*

- ❖ Total foreign born population – 915,191
- ❖ 15.1% of the state's ~6 million people are foreign born
 - 44% naturalized citizens
 - 25% legal permanent residents
 - 30% temporary visa holders or undocumented immigrants
 - 76.6% rise in immigrant population from 2000 to 2018
- ❖ 19.3% of people in the MD speak a language other than English at home & 37% of foreign born persons are limited English proficient
- ❖ Length of time immigrants have lived in the U.S.
 - 45.1% entered before 1999
 - 29.7% entered 2000 - 2009
 - 25.2% entered 2010 or after
- ❖ 29.8% of children under age 18 have one or more immigrant parents
 - 87.5% of these children are native-born U.S. citizens

**Source: Migration Policy Institute Data Hub (July 2020) and Lawful Permanent Resident estimates MPI and DHS (2018)*

<u>County</u>	<u>Total Population (2018)</u>	<u>Foreign-Born Population (2018)</u>	<u>Naturalization</u>
Prince George's County	906,202	22.4% (≈203,432) <ul style="list-style-type: none"> ○ By Region <ul style="list-style-type: none"> ▪ 57.1% Latin America ▪ 25.3% Africa ▪ 14.7% Asia ▪ 2.6% Europe ▪ 0.3% North America 	43.1% Naturalized U.S. citizen 56.9% Not a U.S. Citizen

Discussion: What languages other than English are survivors you encounter speaking? ---

Maryland – Countries/Regions of Origin & Limited English Proficiency (LEP)(2018)*

- ▶ Latin America – 39.3%
 - ▶ El Salvador (11.1%)
 - ▶ Caribbean (8.7%)
 - ▶ Jamaica (3.5%)
 - ▶ South America (8.5%)
 - ▶ Other Central America (7.3)
 - ▶ Mexico (3.7%)
- ▶ Asia – 28.2%
 - ▶ China/Taiwan (6.6%)
 - ▶ India (6.2%)
 - ▶ Philippines (3.8%)
 - ▶ Korea (3.5%)
 - ▶ Vietnam (2.0%)
- ▶ Europe – 8.3%
 - ▶ Eastern Europe (3.4%)
- ▶ Africa – 20.1%
 - ▶ West Africa (10.2%)
 - ▶ East Africa (5.5%)
- ▶ Middle East – 2.8%
- ▶ Canada (1%)
- ▶ LEP % by Language
 - ▶ Korean (49.5%)
 - ▶ Vietnamese (48.4%)
 - ▶ Spanish (43.9%)
 - ▶ Chinese (42.1%)
 - ▶ Russian (37.3%)
 - ▶ Urdu (32.9%)
 - ▶ Amharic, Somali (30.8%)

**Source: Migration Policy Institute Data Hub (July 2020)*

Immigrant Survivor Dynamics and VAWA Confidentiality Protections

Discussion: What barriers and fears prevent immigrant survivors from seeking help?

Major Challenges in working with Immigrant Survivors of Crime

- Fear of deportation
- Language access
- Retaliation from abuser
- Fear of losing their children
- Lack of knowledge of legal rights
- Ability to leave work to access courts or services
- Do not trust that advocates, attorneys, police, prosecutors, judges will help them
- Service providers and professionals do not know what immigrant victims qualify to receive

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)

- Abuse rate rises to 59.5% when an immigrant's spouse/former spouse is a U.S. citizen
 - Twice the national average

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

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)

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).

Perpetrators Efforts to Trigger Victim's Removal

- Perpetrators actively reporting victims with pending immigration cases for removal
 - VAWA self-petitioners 38.3%; U visa 25%
- Perpetrators got the victim arrested when the victim called police for help with domestic violence
 - VAWA self-petitioners rose 2013-2017 from 15.4% -17%
 - U visa rose 2013-2017 from 7.5% -36%

Krisztina E. Szabo, David Stauffer, Benish Anver, *Work Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rodrigues et al. *Promoting Access to Justice for Immigrant and Limited English Proficient Crime Victims in an Age of Increased Immigration Enforcement: Initial Report from a 2017 National Survey* (May 3, 2018)

VAWA Confidentiality Protections

- **Abuser-Provided Information:** DHS, DOJ and the State Department are barred from taking action against a victim based *solely* upon information provided by abusers and crime perpetrators (their family members or associates)
- **Location Prohibitions** to enforcement unless DHS complies with specific statutory and policy safeguards – includes no courthouse immigration enforcement against immigrant crime victims
- **Non-Disclosure:** DHS, DOJ and the State Department cannot disclose VAWA confidentiality protected information to anyone including through civil, family and criminal court discovery of information about or contained in the file of any protected case:
 - VAWA self-petitioners, VAWA cancellation/suspension, T visa, U visa, Battered Spouse Waiver, Abused Visa Holder Spouses
- **\$5000 fine + job sanctions**

VAWA Sensitive Location Prohibitions

- Enforcement actions are not to be taken unless the action specific procedures designed to protect victims are followed:
 - A shelter
 - Rape crisis center
 - Supervised visitation center
 - Family justice center
 - Victim services program or provider
 - Community based organization
 - Courthouse in connection with any
 - Protection order case, child custody case, civil, or criminal case involving or related to domestic violence, sexual assault, trafficking, stalking



DHS VAWA Confidentiality Computer System

- Directs to check for “384” computer system flag that identifies victims who have already filed for or have been granted victim-based immigration relief
- Reminds immigration officers that the immigrant is a victim
- Sanctions \$5,000 fine and/or disciplinary action

Advocacy and Best Practices

- Screen victims as early as possible for immigration relief eligibility
- Give survivors a letter stating that they are in the process of filing a VAWA, T or U visa immigration case
- In some cases safety improved if immigration case is filed first before
 - Protection order, divorce, or custody case
 - Victim travels to a new location
- Particularly when the survivor is receiving immigration related threats

Sensitive Locations

- Enforcement actions by ICE and CBP are not to occur or be focused at sensitive locations:
 - Schools
 - Medical treatment and health care facilities
 - Places of worship
 - Religious or civil ceremonies, e.g. weddings, funerals
 - During a public demonstration, e.g., march, rally, parade

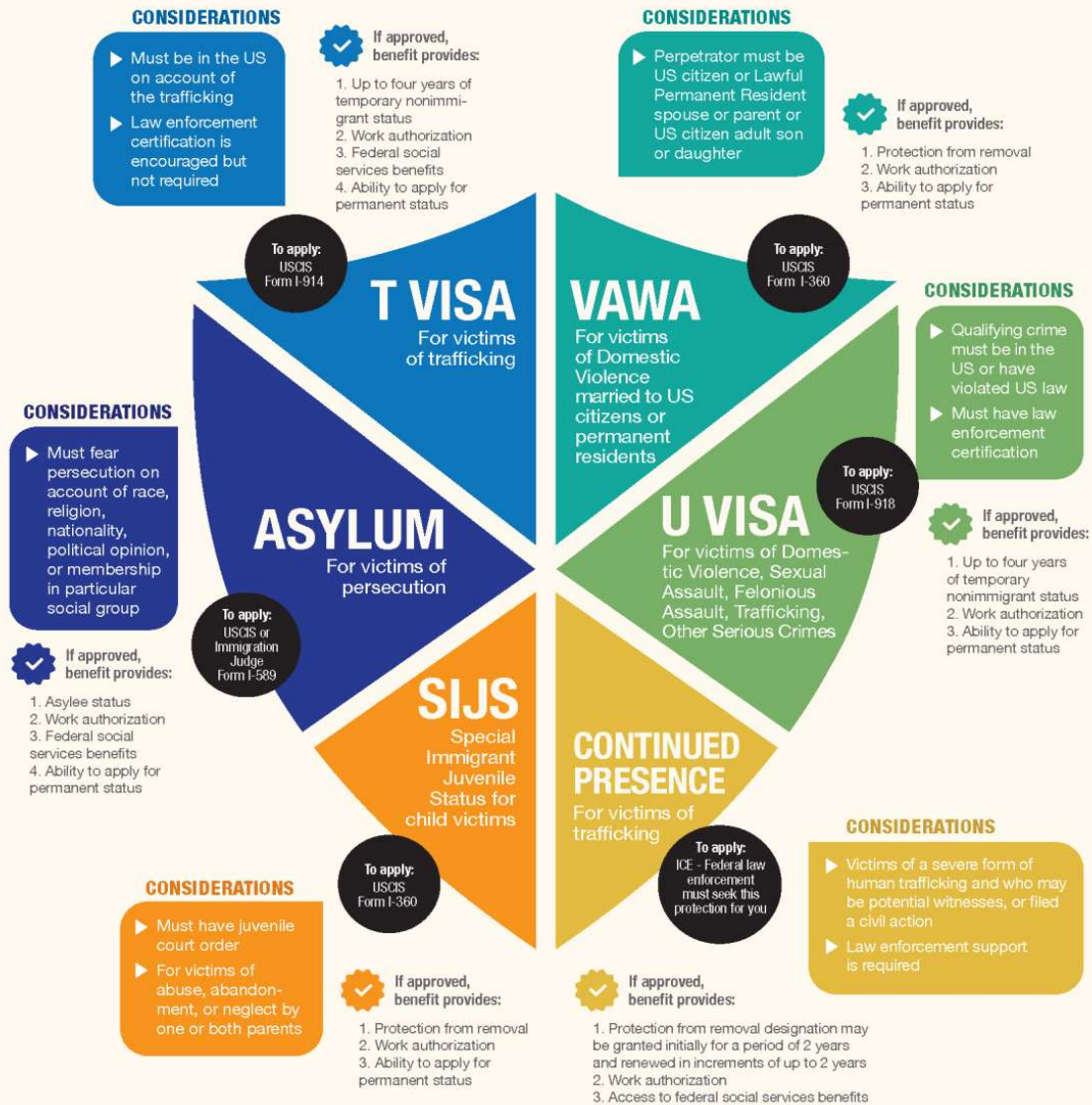
Immigration Relief For Immigrant Survivors Of Domestic And Sexual Violence

Discussion: How does filing for immigration relief help immigrant domestic and sexual abuse survivors?

Benefits for Survivors

- Protection from deportation
 - VAWA confidentiality
- Can include family members in application
 - VAWAs, U visas and T visas
- Access to legal immigration status
- Financial independence from perpetrator
 - Legal work authorization (3 - 48 months post filing)
 - Issuance of federally recognized ID
 - Access to some state/federal public benefits beyond programs open to all immigrants

PROTECTIONS FOR IMMIGRANT VICTIMS



Immigration Relief Available for Immigrant Survivors of —

- Domestic violence (battery or extreme cruelty)
 - 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**

VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Permanent Resident
 - Spouse; Parent; Stepparent; 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
- Battered Spouse Waiver if perpetrator files
- Access to some federal/state benefits = 3 months
- Work authorization = 4–18 months (2019)

Forms of Extreme Cruelty

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

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
- **Timeline to work authorization, waitlist approval, and some very limited state benefits = 4–6 years(2020)**

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
- **Work authorization and *many* federal and state public benefits = 3–12 months (2020)**

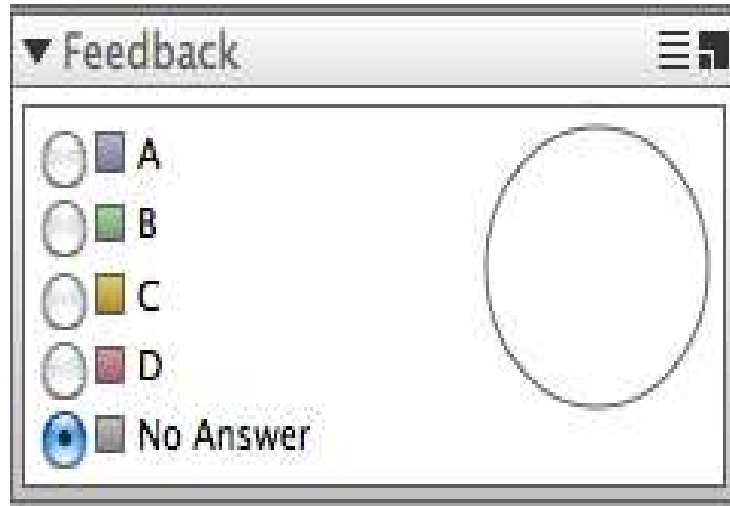
Special Immigrant Juvenile Status (SIJS)

- Immigration relief 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 required findings from a state court with jurisdiction over
 - the care, custody, or dependency of the child
- **Timeline to approval, lawful permanent residency, & some federal/state public benefits = 6 – 36 months (2019)**

Case Scenario (Handout)

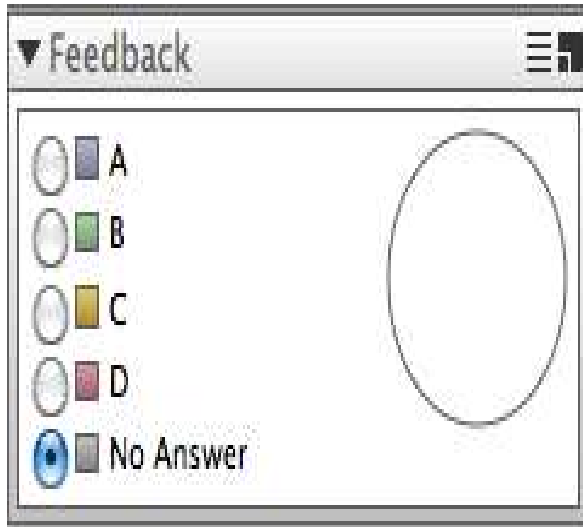
Clara met Eduardo a lawful permanent resident when he came back to his hometown to visit his family in El Salvador. Eduardo started dating, Clara who was raising her 9 year old son Miguel. After Clara became pregnant and gave birth to a baby girl Lupe, Eduardo decided to bring Clara, Miguel and Lupe 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 call the police for help, Clara talked to 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.

Poll 3: What forms of immigration relief would Clara qualify for:



- A. U visa
- B. VAWA self-petition as the parent of Lupe
- C. T visa
- D. All of the above

Poll 4: What forms of immigration relief would Miguel qualify for:



A screenshot of a poll interface. The window title is "Feedback". On the left side, there are five radio button options: "A" (blue square), "B" (green square), "C" (yellow square), "D" (red square), and "No Answer" (blue circle). On the right side, there is a large empty oval shape, likely a placeholder for a drawing or a selection area.

- A. VAWA self-petition
- B. U visa
- C. T visa
- D. Both U visa and T visa

Trauma Informed Evidence Collection and Collaboration

Process of Trauma-Informed VAWA, U Visa or T Visa Story Collection

1. Recognize the client as whole human being and as a survivor
2. Explain confidentiality (your relationship & VAWA)
3. Support client's self-regulation
4. Understand client's behavior through a trauma lens
5. Titrate client's exposure to traumatic memories
6. Recognize the impact of exposing the trauma and its effects
7. Use techniques for grounding and soothing
8. Validate completing the process as success
9. Referral for trauma services in collaboration, as needed

Immigration Story Writing Intervention

- **Affidavit = A Survivor's "Story"**
 - **Unique opportunity for trauma informed healing**
 - Most important pieces of evidence submitted
 - DHS hears directly from the survivor, in her voice
 - Less affidavit, than "story" of the survivor's experience
 - Getting the full story for the immigration case can be a traumatic experience for survivors
 - The goal is to develop an approach that:
 - Obtains more complete information
 - Improves outcomes and helps survivors heal
 - Research on importance of writing the trauma narrative

Story Writing Intervention Method

- 1. Invite the survivor to write/tell her story**
 - Support, witness, listen without judgment, allow space
 - Goal: story comes out unedited/uninterrupted
- 2. Follow up with interview**
 - Structured Interview Questionnaire for Immigration (SIQI)
 - Take notes for follow up during story telling interview
- 3. Edit together**
 - Story + structured interview responses into affidavit
- 4. Survivor reads back the final story**

Immigration Story Writing Intervention

Step 1

1. Invite the survivor to write/tell her story

- Develop safety and trust
- Support, Witness, Listen without judgment
- Allow space for silences
- Create space for the victim to tell her story
- Schedule time to listen more than talk
- Goal: story can be shared with another in a nonjudgmental, supportive context

Immigration Story Writing Intervention

Step 2

2. Structured Interview Questionnaire for Immigration (SIQI) with Survivor

- Obtain information about additional incidents, effects of incidents, detail of previously reported incidents in-depth details as needed
- Follow up questions from Step 1: Assume that not all of story will come out in first telling
- SIQI available at:
<http://niwaplibrary.wcl.american.edu/pubs/trauma-informed-siqi/>

Standardized Tools: Assessing “*What happened to me?*”

Multiple types of trauma exposure

- Structured Life Events Screening Questionnaire (SLESQ)

Domestic Violence

- Conflict Tactics Scale (CTS-2)
- Psychological Maltreatment of Women
- Coercive Control Scale (IPV Coercion Measure)
- Danger Assessment

Indigenous Trauma

- Additional traumatic effects based on oppression and discrimination

Standardized tools:

Assessing “*How did it change me?*” (Impact of battering or extreme cruelty)

- IPV (Intimate Partner Violence) Threat Appraisal and Fear Scale
- PTSD Checklist (PCL-C)
- Patient Health Questionnaire (PHQ-9; depression)

Immigration Story Writing Intervention

Step 3

3. Edit to create affidavit

- Integrate open-ended story and
- Structured Interview Questionnaire for Immigration (SIQI)
- Meet with client to clarify timeline, details
- Be ready to address the victims' difficulty with exposure to the story

Immigration Story Writing Intervention

Step 4

4. Survivor reads back affidavit to you

- Coherent narrative
- The whole story
- How it affected the survivor

Goal of Tools for Conducting Trauma Informed VAWA, U Visa or T Visa Applications

- To develop a coherent narrative of client's
 - abusive relationship or
 - crime victimization experiences;
- Include lifetime trauma exposure
 - How trauma history impacts the survivor's reaction to the victimization that led to immigration application
- The crime victimization trauma
 - forms the basis of her U Visa Certification or T Visa Declaration.

Preparing for Story Collection

- Do your homework
 - Read police reports, protection order, pleadings in custody cases
 - Review medical records
 - Locate other available evidence
- Carefully describe to the client what the story collection session will entail
 - Make sure both you and the client have set aside the adequate time

Helping Survivors in Crisis

- Techniques you can use to help survivors:
 - Self-regulation techniques you can use
 - Breathing techniques
 - Other techniques
 - Additional resources on crisis care:
www.niwap.org/go/trauma-materials

Strengthening Your Ability to Support Survivors Through This Process

- Be aware of your own emotional reactions to the stories you are hearing
- Take breaks and care for yourself during the process
- So you can effectively be there for the survivor
- Self-regulation techniques you can use

Tools to Help You

- Trauma informed interview tool
- Evidence checklists
- Manual chapters on VAWA and U visa
- Webinars and online learning
 - On VAWA and U visas
 - Video on helping survivors who go into crisis reliving trauma while writing their story for their immigration case
- NIWAP's TA (202) 274-4457 or info@niwap.org

**Access to Publicly Funded
Programs and Legal Services
Open to All Immigrant Domestic
and Sexual Violence Survivors**

Access for All

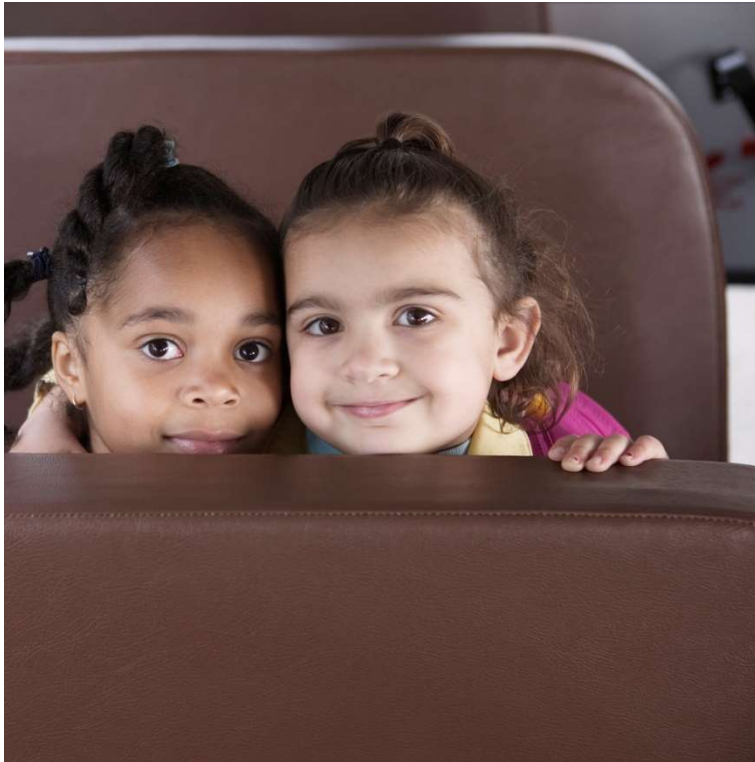
Both documented and undocumented immigrant survivors can access:

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

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

Federal Benefits Available to ALL Immigrants



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

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



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

Importance of Accompanying Immigrants in Applying for Public Benefits

- Help educate state benefits workers
- Accompanying immigrant applicants helps
 - Children and survivor get what they are legally entitled to access
 - Varies by state, immigration status, benefits program
 - Helps undocumented parents file for benefits for their citizen or LPR children
 - State welfare worker reporting requirements

http://map.niwap.org/

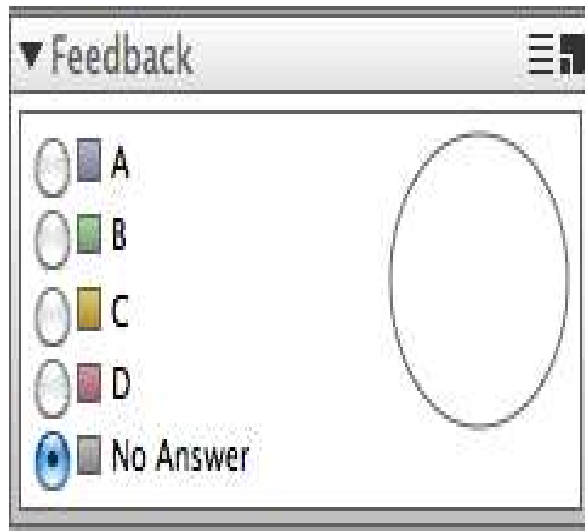
The screenshot shows a web browser window with the URL <http://map.niwap.org/cash-assistance/>. The page features the NIWAP logo in the top left and navigation links for 'Web Library', 'About NIWAP', 'Maps by Benefit', and 'Demographics'. The main content area is titled 'Cash Assistance' and displays a map of the United States where each state is labeled with its two-letter abbreviation. The map is rendered in a dark red color. The state abbreviations shown are: WA, OR, CA, NV, UT, AZ, NM, TX, AK, HI, MT, ID, WY, CO, NE, KS, OK, ND, SD, IA, MO, AR, LA, MN, WI, MI, IL, IN, OH, KY, TN, MS, AL, GA, FL, NY, PA, WV, VA, NC, SC, ME, RI, CT, VT, NH, NJ, MA, DE, MD, and DC.

Maps by Benefit

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

PROGRAM	VAWA Self Petitioner	U VISA APPLICANTS		T VISA (Bona Fide or Continued Presence)	Refugee and Asylee	Undocumented	SIJS	DACA
		Petition Filed	Wait List upon Approval					
CASH & Nutrition ASSISTANCE, and Childcare								
Supplemental Security Income (SSI)	Eligible with prima facie determination if received SSI on August 22, 1996 or lawfully residing in the U.S. as of that date and is now disabled.	Not eligible.	Eligible with conditions upon becoming a lawful permanent resident if they arrived <i>before</i> August 22, 1996.	Eligible with conditions if they arrived <i>before</i> August 22, 1996.	Eligible with conditions.	Not eligible.	Eligible with conditions.	Not eligible.
Temporary Cash Assistance (TCA) (Known as TANF federally)	Eligible if they arrived <i>before</i> August 22, 1996. Still eligible, with conditions, if arrived <i>on or after</i> August 22, 1996.	Not eligible.	Eligible with conditions.	Eligible.	Eligible.	Not eligible.	Eligible with conditions upon receiving lawful permanent residency.	Not eligible.
Child Care and Development Fund (CCDF)	Eligible.	Eligible for limited CCDF coverage.	Eligible for limited CCDF coverage. Eligible for full CCDF coverage with conditions once they become a lawful permanent resident.	Eligible.	Eligible.	Eligible for limited CCDF coverage.	Eligible for limited CCDF coverage. Upon lawful permanent residency, eligible for full CCDF with conditions.	Eligible for limited CCDF coverage.
Supplemental Nutrition	Eligible with conditions.	Not eligible.	Eligible with conditions	Eligible with conditions.	Eligible.	Not eligible.	Eligible with conditions	Not eligible.

Poll 5: What would you take with you to a public benefits agency with an immigrant survivor?



- A. Copy of the state/federal benefits statute
- B. DHS documents showing how victim is eligible
- C. Relevant state/federal policies
- D. All of the above

Access to Health Care

Discussion: Where can immigrant survivors receive health care that is subsidized without regard to immigration status?

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



How to find free health clinics in your area



Step 1: In IE, go to www.hrsa.gov

Step 2: Select “Get Health Care”

Step 3: Select “Find a Health Center”

Step 4: Search by location

OR

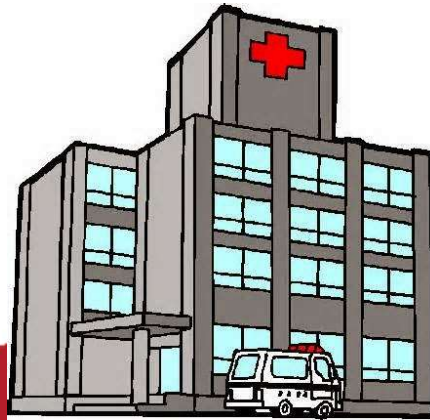
Step 3: Select “Find out more about Hill-Burton...”

Step 4: Select “Hill-Burton Obligated Facilities”



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
 - Includes COVID-19 testing and treatment



Resources:

Healthcare for Immigrant Victims

- State by state charts
 - VOCA funded post assault health care
 - Emergency Medicare
 - Forensic Exams
 - Prenatal Care

Eligibility for Healthcare

- Community and Migrant Health Centers regardless of immigration status
- The Families First Act provides additional funding to pay for coronavirus testing for anyone who is uninsured
- Eligibility for Emergency Medicaid includes payment for COVID -19 treatment without regard to immigration status
- Eligibility for Medicaid, the Children's Health Insurance Program (CHIP), and the Affordable Care Act (ACA) marketplaces has not changed due to COVID-19
 - Eligibility to benefits expand as survivors apply for immigration status

Immigrant Crime Victim Access to Relief During the COVID-19 Crisis Under the CARES and FFCRA Acts (May 20, 2020)

- Found in NIWAP Web Library
<http://niwaplibrary.wcl.american.edu/pubs/cares-act-unemployment-imm-victims-5-27-2020>
- Immigrant survivors with work authorization and work authorized SSNs can be eligible for
 - Economic Relief for Families
 - Must file 2019 income tax returns
 - Unemployment Insurance
- May not yet have legal immigration status

CARES Act: Unemployment Insurance (UI)

- Immigrants are eligible for UI if they are authorized to work at each of the following times:
 - When they performed UI qualifying work;
 - At the time they apply for unemployment benefits, and
 - During the entire period for which they receive unemployment benefits
- Must:
 - Be “able and available” to work
 - Be “permanently residing under color of law” (“PRUCOL”) during the “base period” used to calculate the unemployment benefit amount
 - Have legal work authorization and work authorized SSN
- NIWAP publication – charts who qualifies for UI and Rebate payments by immigration case type

Undocumented Immigrant Survivors Have a Legal Right to Access Shelter and Transitional Housing



Discussion: Have you worked with immigrant survivors who were turned away from transitional housing programs?

If so, why were they turned away?

Benefits Available to all Immigrants Include:

- Shelter and transitional housing, victim services, counseling, and intervention for:
 - Victims of:
 - Domestic violence
 - Sexual assault
 - Stalking
 - Dating violence
 - Human trafficking
 - Child abuse
 - Other abuse
 - Homeless
 - Runaway or homeless youth
 - Abandoned children

HUD, DOJ and HHS Confirmed in August 2016

- Housing providers must not turn away immigrants based on their immigration status from:
 - Emergency shelter
 - Transitional housing
 - Rapid re-housing
- VAWA, FVPSA, VOCA, HUD
 - Anti-discrimination protections

HUD Office Of Special Needs Assistance Programs

- Emergency Solutions Grant (ESG) and Continuum of Care (CoC) funded programs are open to all with no immigrant restrictions
 - Street Outreach Services
 - Emergency Shelter
 - Rapid Re-Housing
 - HOME Program
 - Safe Haven
 - Housing Trust Fund
 - Rural Housing Stability Program
 - Mortgage Insurance for Rental and Cooperative Housing Section 221(d)(3) and (d)(5)

Access To Benefits And Services Grows As Children And Victims Pursue Immigration Relief



Children and Crime Victims Qualified to Receive Public Benefits— Common Examples

- Qualified Immigrants benefits eligible
 - Lawful permanent residents
 - Includes U visas and SIJS
 - Refugees/Asylees
 - VAWA self-petitioners
 - Trafficking victim with
 - Continued presence or
 - Bona fide determination in T visa case
- Not generally benefits eligible some variation by state
 - Asylum applicants
 - DACA recipients
 - U visa applicants & recipients
 - Work/Student visa holders
 - Undocumented

Many immigrants with work authorization qualify for CAREs Act Rebates and unemployment insurance both state and CAREs Act

Qualified Immigrant Access to Federal Public Benefits

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

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

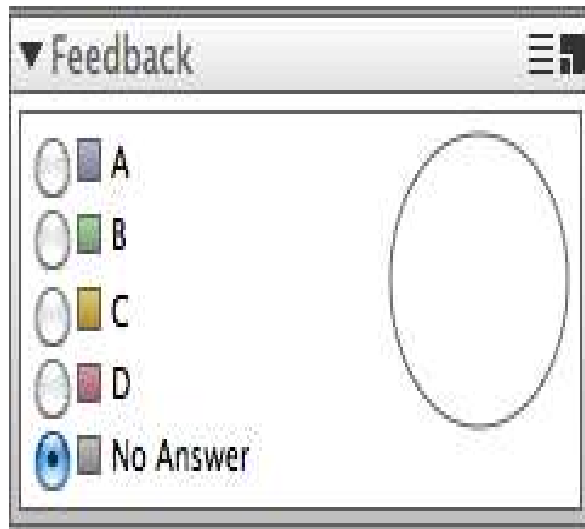
Who are “Qualified Immigrants”?

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

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

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

Poll 6: Which of the following is **NOT** is Eligible for Public and Assisted Housing?



- A. Lawful permanent residents, refugees & asylum recipients
- B. VAWA self-petition applicants
- C. U visa applicants/recipients
- D. Bona Fide T visa

HUD List of VAWA Self-Petitioners

- Victims with VAWA self-petition I-360 filed
 - Children included in VAWA self-petition
- VAWA cancellation of removal and VAWA suspension of deportation applicants
 - Victims' children are not included in these applications
 - Will only appear in SAVE system if have work authorization
- Victims with approved I-130 visa petitions filed by their abusive spouse or parent
 - Children included in I-130 visa application filed for victim

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 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

Interactive Public Benefits Map

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ot secure | map.niwap.org
JAP... TweetDeck Federal plain langu... National Immigrant... Social Media

NIWAP Web Library About NIWAP Maps by Benefit Demographics

Maps by Benefit







NIWAP

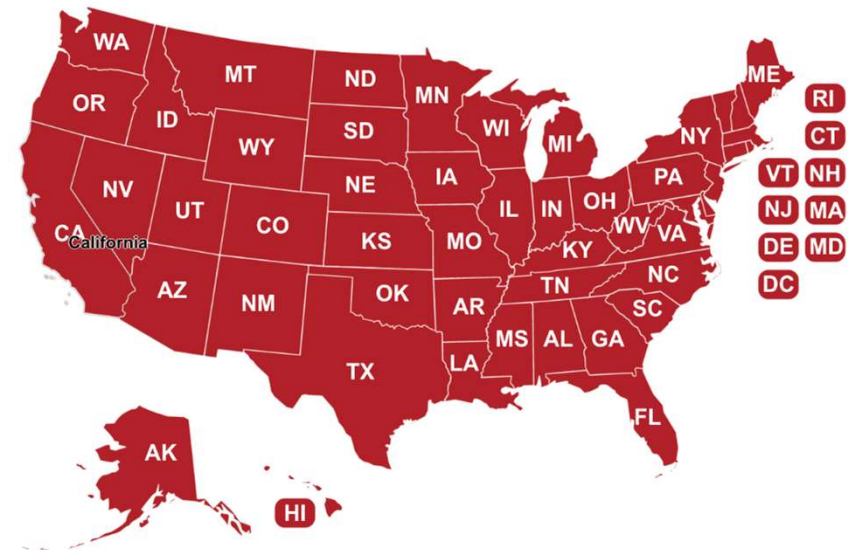
Web Library About NIWAP Maps by Benefit Demogr

Legal Services

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

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

- | | |
|--|--|
|  Cash Assistance (TANF)
Temporary Assistance for Needy Families (TANF) provides cash assistance to low income families with children.
Go to Map |  Child Care
Child Care services may be provided through public benefits.
Go to Map |
|  Children's Health Insurance Program
Medical assistance is available to children through the Children's Health Insurance Program (CHIP).
Go to Map |  Driver's License
State-specific requirements to be issued a driver's license.
Go to Map |
|  Earned Income Tax Credit |  Emergency Housing & Safety Programs |



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

Post –Secondary State Funded Education - MD

- Exempt from paying the out-of-state tuition rate at a community college in Maryland if:
 - Attended a public or nonpublic secondary school in Maryland for at least three years;
 - Either graduated from a public or nonpublic Maryland secondary school or has received the equivalent of a high school diploma in Maryland;
 - Registers as an entering student in a community college in Maryland not earlier than the fall 2011 semester; and
 - Provides to the community college documentation that the individual’s parent or legal guardian has filed a Maryland income tax return.

Benefits in Maryland

- TANF
 - VAWA, Continued Presence (CP), U visa waitlist, SIJS lawful permanent residents (LPRs)
- Child care
 - TANF same as above
 - Child Care Development Fund – no restrictions
- SNAP
 - VAWA children, CP, T visas , SIJS-LPRs
- Education
 - Federal: VAWA, CP, T visa applicants, SIJS-LPRs
 - State: School in MD 3 yrs. + diploma + taxes in MD
 - No immigration restrictions except T and U visa holders ineligible

Benefits in Maryland

- Health Care
 - Exchanges: VAWA, CP, T visa, U visa waitlist, SIJS applicants
 - CHIP: VAWAs, CP, T visa, U visa waitlist, SIJS applicants
 - Until 21
 - Full scope adult Medicaid: VAWA, CP, T visa, U visa waitlist approved; SIJS (LPRs only if pregnant or 5 years as LPR)
- SSI (most limited): CP, T visa
 - VAWA & SIJS LPR (5 year bar+ 40 quarters work)
- Driver's License
 - Maryland (not federally recognized) anyone with MD tax return
 - Federally recognized – work authorization
 - VAWA approved, T visa bona fide, CP, U visa waitlist, SIJS – LPRs, DACA

Benefits in Maryland

- Housing
 - Transitional – all victims + homeless + abused children
 - Public and Assisted: VAWA applicants, CP, T visas, SIJS – LPRs
- LIHEAP
 - Weatherization everyone
 - LIHEAP – VAWA, CP, T visa, SIJS LPRs
- FEMA
 - Emergency assistance: everyone
 - Individual Households Program: VAWA, T visa, CP
 - Individual & Family Grant Program: VAWA, T visa, CP, SIJS-LPRs
 - US Small Business Administrations Loans: VAWA, T visa, CP
 - Disaster Unemployment Assistance: VAWA, T visa, CP, SIJS-LPRs
 - Emergency Food Stamps: T visa, CP, SIJS-LPRs (after 40 quarters of work credit)

Immigrants Exempt From Public Charge

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

Technical Assistance and Materials

- NIWAP Technical Assistance:
 - Call (202) 274-4457
 - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu

NIWAP Web library

niwaplibrary.wcl.american.edu

NIWAP
National Immigrant Women's Advocacy Project
Supporting immigrant women and children through education and policy advocacy.

Introduction Newsletters-FAQs Trainings Past Trainings Manuals Immigration Public Benefits & Economic Relief

Family Law Law Enforcement Judges Dynamics, Culture, & Safety Language Access Access to Legal Services

VAWA Confidentiality Criminal Justice Public Policy Research Statutes Legislative History Regulations and Policies

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