

# NIWAP



## **Legal Rights of Domestic and Sexual Violence Survivors: Public benefits, Housing, and Victim Services**

**Nebraska Coalition to End Sexual and Domestic Violence  
Lincoln, Nebraska  
September 18, 2019**

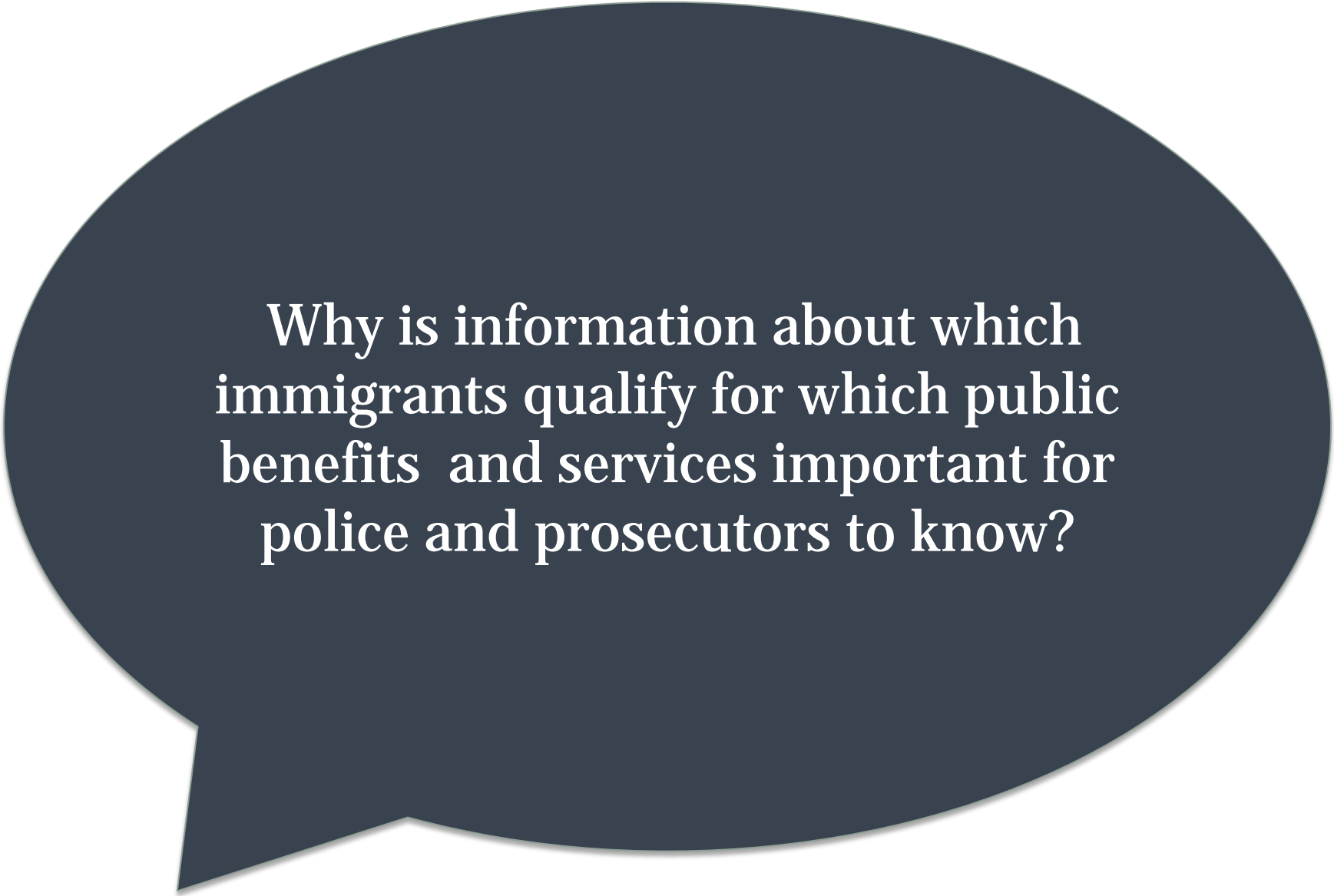
# Faculty Introductions

- Leslye E. Orloff, American University, Washington College of Law
- Prosecutor Christopher Freeman
- Lt. Giovanni Veliz

# Learning Objectives

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

- Know which publicly funded benefits and services are open to which crime victims and children without regard to their immigration status
- Use NIWAP's Public Benefits Map and State-by-State Charts to look up state and/or federally funded benefits or services for which children, crime victims, and parents qualify
- Understand how immigrant crime victim access to services and benefits is important for police and prosecutors



Why is information about which immigrants qualify for which public benefits and services important for police and prosecutors to know?

# Perspectives From

- Law Enforcement
- Prosecutor

# Publicly Funded Benefits and Services Open to All Without Regard to Immigration Status

# Small Group Discussion

- Which forms of benefits and services for crime victims are open to all persons without regard to immigration status?

# Programs Open to All Immigrants Without Regard to Immigration Status - Brochure



## PROGRAMS OPEN TO IMMIGRANT VICTIMS AND ALL IMMIGRANTS WITHOUT REGARD TO IMMIGRATION STATUS<sup>1</sup>

By Catherine Longville and Leslye E. Orloff  
May 22, 2014

In passing the Personal Responsibility and Work Opportunity Act of 1996 (PRWORA) that generally restricted immigrant access to public benefits,<sup>2</sup> Congress explicitly exempted certain programs from PRWORA's immigrant access restrictions in order to ensure that programs that protected life, safety and public health remained open to all individuals without regard to their immigration status.<sup>3</sup> As a matter of federal law, all of the programs listed in this brochure are open to all persons, including undocumented immigrants, and access to these programs cannot be restricted by service providers or by state or local governments.<sup>4</sup>

### Widely Available Public Services

The Department of Justice (DOJ) has confirmed that the following programs are widely available public services that are open to all persons without any immigration status based restrictions.<sup>5</sup> These programs include *but are not limited to*:

- Police

- Fire
- Ambulance
- Transportation
- Sanitation, and
- Other regular widely available services (e.g. access to courts)

### Programs Necessary to Protect Life and Safety

In addition to exempting the above programs, PRWORA also granted the U.S. Attorney General the authority to exempt certain programs from any restrictions on immigrant access to services and benefits, regardless of whether the programs offering these services are state, locally, privately or federally funded.<sup>6</sup> PRWORA requires that any program that meets the following criteria is to be open to all persons without regard to immigration status.<sup>7</sup> The program must:

- 1) Deliver in-kind services<sup>8</sup> at the community level;
- 2) Not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and
- 3) Be necessary for the protection of life or safety.

In PRWORA, Congress delegated to the Attorney General of the United States the exclusive and complete authority to define the types of services that are necessary to protect

life and safety.<sup>9</sup> The DOJ regulations describe federal preemption on these issues<sup>10</sup> as follows:

"(2) The Attorney General has fully exercised the power delegated to her under §§ 401(b)(1)(D) and 411(b)(4) of the Welfare Reform Act (codified at 8 U.S.C. 1611(b)(1)(D) and 1621(b)(4)).

(3) Neither states nor other service providers may use [PRWORA] as a basis for prohibiting access of aliens to any programs, services, or assistance covered by this Order. Unless an alien fails to meet eligibility requirements provided by applicable law other than [PRWORA], benefit providers may not restrict the access of any alien to the services covered by this Order, including, but not limited to, emergency shelters.

(4) Thus ... benefits providers who satisfy the requirement of this Order are not required to verify citizenship, nationality, or immigration status of applicants seeking benefits."

The following is a list of the types of programs that the Attorney General deems to be necessary to protect life and safety. Those programs include *but are not limited to*:<sup>11</sup>

- **Crisis counseling and intervention programs.** Includes domestic violence, rape crisis, mental health counseling and treatment for domestic abuse and sexual assault survivors and child and elder abuse survivors.
- **Services and assistance relating to child protection.** Includes services to child abuse, incest and sexual assault victims.
- **Adult protective services.** Includes services to elder abuse victims, elder victims of human trafficking, and elder victims of crime. Elder abuse victims include

<sup>1</sup> Life and Safety Regulations at 3615.

<sup>2</sup> For additional information on the issue of preemption regarding life and safety related programs, see Rocio Molina, Leslye Orloff and Benish Anwar *Federal Preemption of State Law That Attempts to Restrict Immigrant Access to Services Necessary to Protect Life and Safety*, (February 13, 2013) available at <http://www.nivap.org/american-education/informational-materials/materials-for-advocates-and-judges/tools-for-courts/benefits/Federal-Preemption-Life-and-Safety.pdf>

<sup>3</sup> Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, 3615.

<sup>1</sup> Copyright © The National Immigrant Women's Advocacy Project, American University, Washington College of Law 2014. This project was supported by Grant No. 2013-17A-XX-6009 awarded by the Office of Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions and recommendations expressed in this publication are those of the author and do not necessarily reflect the view of the Department of Justice, Office of Violence Against Women. This document was developed under grant number SU-13-S-199 from the State Justice Institute. The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the State Justice Institute.

<sup>2</sup> Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), Pub. L. 104-193, 110 Stat. 2105 (codified at 8 U.S.C.A. § 1611).

<sup>3</sup> PRWORA, Pub. L. 104-193, 110 Stat. 2105, Title IV, Sec. 411(b) (codified at 8 U.S.C.A. § 1621(b)).

<sup>4</sup> Final Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation, 66 Fed. Reg. 3613, 3615. (Hereinafter "Life and Safety Regulation")

<sup>5</sup> *Id.* at 3616.

<sup>6</sup> *Id.*

<sup>7</sup> PRWORA, Pub. L. 104-193, 110 Stat. 2105, Title IV, Sec. 411(b)(4) (codified at 8 U.S.C.A. § 1621(b)(4)).

<sup>8</sup> "In-kind" services are those that involve the provision of goods or services, not cash payments, to persons. These services could include food, clothing, shelter, legal assistance, counseling, protection orders and victim services.



# Access for All

Both documented and undocumented immigrant survivors can access:

- Widely Available Public Services including:
  - Police
  - Courts
    - Protection orders
    - Custody
    - Child Support
    - Criminal Prosecutions
  - Fire
  - Ambulance
  - Sanitation
- Legal Services for income eligible victims
  - Domestic violence
  - Child abuse
  - Sexual assault
  - Stalking
  - Human trafficking
  - All other U visa criminal activities
- Abuse related matters

# Access for All

Both documented and undocumented immigrant survivors can access:

- Language Access
- Crime Victim Assistance
- Shelter
- Transitional Housing
- Obtain Public Benefits for Their Children
- Receive Emergency Medical Care
- Health care from community and migrant health centers

# Attorney General's List of Required Services



Former Attorney  
General Janet Reno

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

# Benefits Available to All Immigrants

- Crisis counseling and intervention
- Child and adult protection services
- Violence and abuse prevention
- Victim assistance
- Treatment of mental illness or substance abuse
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Short-term shelter or housing assistance for the homeless, victims of domestic violence, or for runaway, abused, or abandoned children
- Nutrition programs for those requiring special assistance



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



# Open to All persons Without Regard to:

- Immigration status
- Citizenship
- Nationality
- English language abilities

# HUD Stated in 2001:

- Both emergency shelter and transitional housing are:
  - Necessary to protect life and safety
- Transitional housing is by its nature:
  - Short-term
  - A bridge toward permanent housing

# 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



# Transitional Housing

- When transitional housing meets the in-kind, community level, and life and safety tests
  - Unit is owned or leased by the grantee and used to provide transitional housing
  - Must be open to all; No immigration restrictions
- Exception: Grantee paying rental assistance payments for participant *when regulations require income test*

# 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

# 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

# Applies to Government Funded Housing

- Violence Against Women Act
- Family Violence Prevention and Services Act
- Victims of Crime Act
- Housing and Urban Development funded
  - Emergency Solutions
  - Continuum of Care Programs

# Have you worked with an immigrant survivor...

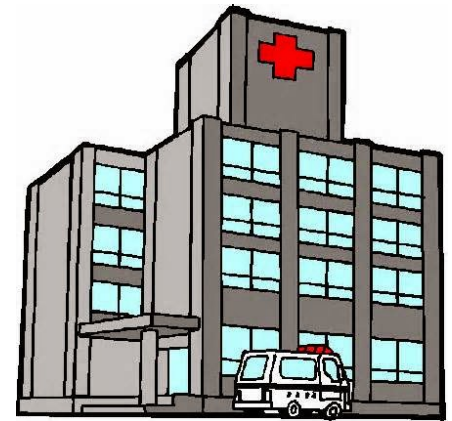
- Who as turned away from a transitional housing program or a shelter?
- What were victims turned away being asked to provide to be accepted into the transitional housing program or shelter?

# Access to Health Care

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

# 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



# 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







# How to find free health clinics in your area

**Step 1:** In IE, go to [www.hrsa.gov](http://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”



# Federally Qualified Health Centers

- Primary care
- Diagnostic, laboratory and radiological services
- Prenatal care
- Post-assault health care
- Cancer and other disease screening
- Child wellness services
- Emergency medical and dental services
- Immunizations
- Blood test screening
- Eye, ear and dental screenings for children
- Family planning services
- Preventative dental services
- Pharmaceutical services
- Mental health treatment
- Substance abuse services

# Resources:

## Healthcare for Immigrant Victims

- State-by-state charts
  - Post-assault health care
  - Emergency Medicare
  - Forensic Exams
  - Prenatal Care

# Short Term, Non-Cash, In-Kind Emergency Disaster Assistance

- No immigrant restrictions
  - Search and rescue
  - Emergency medical care, mass care and shelter
  - Clearance of roads, temporary bridges
  - Public health/safety and further risk information
  - Essential needs: food, water, medicine
  - Reductions of immediate threats to life, safety, property, public health

# Federal Benefits Available to ALL Immigrants



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

# 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 or social security number of the child's parent
  - If the parent is not applying for additional benefits for themselves

# Large Group Discussion

- Have you worked with immigrant survivors who had difficulty accessing any of these programs?
- Did you accompany them when they applied?

# 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



# Anti-Discrimination Protections

- No discrimination based on:
  - Title VI/FVPSA- race, color, and national origin
  - Fair Housing Act-race, color, national origin, religion, sex, familial status, and disability
  - VAWA- race, color religion, national origin, sex, gender identity, sexual orientation, and disability
  - HUD Section 109- race, color, national origin, sex, and religion

# How does knowing this information help...

- Law enforcement
- Prosecutors
- Child welfare workers
- Health care providers
- Victim advocates

# **Legal Rights to Access Federal and State Funded Benefits – Immigrant Children and Immigrant Crime Victims**

# Federal and State Benefits Immigrant Restrictions

- Only programs that as a matter of law have immigrant restrictions are those categorized as:
  - “federal and state public benefits” or
  - “federal means-tested public benefits”

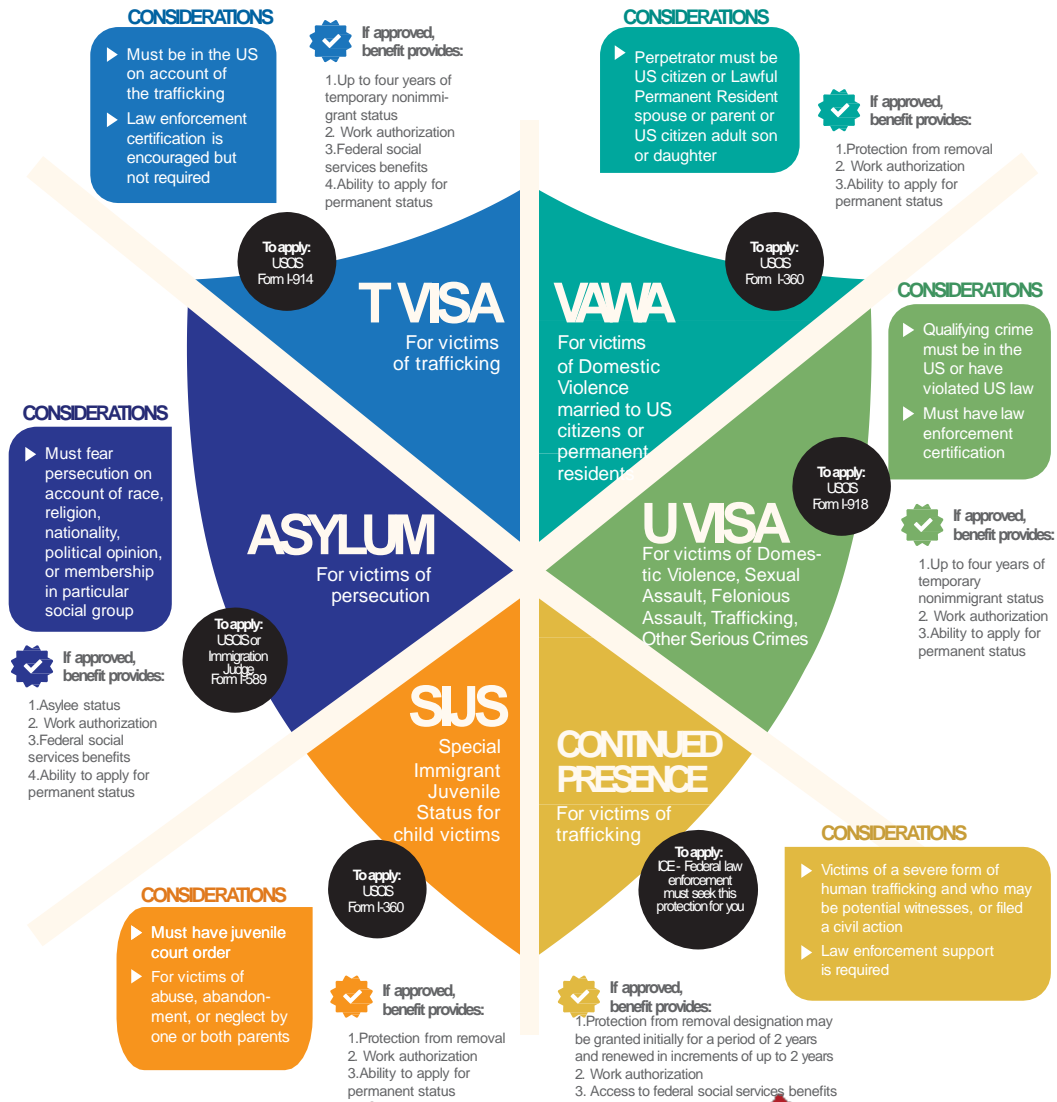
# Only considered a Federal or State Public Benefit if:

- Payment made or assistance provided 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

# Victim Protections Increase Benefits Access



DHS.GOV/BLUE-CAMPAIGN

# Qualified Immigrant Children and Crime Victims -Examples

- Qualified Immigrants
  - 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 Qualified Immigrants
  - Asylum applicants
  - DACA recipients
  - U visa applicants & recipients
  - SIJS
  - Work/Student visa holders
  - Undocumented



# Treatment of Qualified Immigrants

- “Qualified Immigrants”
  - Can access federal public benefits that are not means tested (e.g. public and assisted housing, FAFSA student grants/loans)
  - Means-Tested Public Benefits
    - **Entering U.S. on or after Aug. 22, 1996** subject to 5 year bar on federal means tested public benefits (e.g. TANF, Medicaid, Child Care, SSI, Food Stamps)
    - **Entering U.S. before Aug. 22, 1996** = No 5 year bar

# Immigration Relief Expands Benefits Access

## VAWA self-petition

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

## Battered spouse waiver

- Qualified Immigrant
- Can avoid deeming

## Continued Presence

- Benefits access like refugees
- Need HHS certification

## T visa

- Benefits access like refugees generally with HHS certification
- Qualified Immigrant with bona fide determination

## Continued Presence

- Trafficking victims with HHS certification

## U visa

- Lawfully present upon wait-list approval

## Family Based Visa Petition

## Approved + Battering or Extreme Cruelty

- Public and Assisted Housing
- Not required to file for VAWA

## Special Immigrant Juvenile

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

# How do *immigrant survivors* prove that they are “qualified immigrants”?

- Family-based immigration cases
  - Prima facie determination in VAWA self-petition or cancellation
  - Approved VAWA self-petition or VAWA suspension/cancellation
  - Approved visa petition filed by an abusive spouse or parent
- Trafficking victims
  - Bona fide determination in a T visa case
  - Approved T visa
  - Continued Presence
- Special Immigrant Juvenile Status
  - Upon receipt of lawful permanent residency status through SIJS

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

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

# “Substantial Connection” Exists When

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

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

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

# Survivors of Human Trafficking

- To be eligible for benefits, survivors of trafficking:
  - Must receive certification from the Office of Refugee Resettlement (ORR) that they are eligible for benefits as victims of trafficking; Or
  - Have received bona fide determinations in their T visa case making them qualified immigrants
- Benefits agencies must accept ORR certification letter in place of typical Immigration documentation
- Also eligible for refugee programs

# Case Scenario (Handout)

Clara met Eduardo, a naturalized U.S. citizen, 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 named 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 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 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 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

# What forms of immigration relief would Lupe and Miguel qualify for?

- A. Both can VAWA self-petition
- B. Both qualify for a U visa
- C. Both qualify for a T visa
- D. All of the above

# Becoming a Qualified Immigrant Expands Access to Federal & State Public Benefits

- All qualified immigrants can access some federal/state 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

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

- Public and assisted housing
- Post-secondary educational grants & loans
- Driver’s Licenses
- Access to most subsidized child care (Not TANF)
- Adoption assistance
- Foster care
- Low income and residential energy assistance programs
- Disability benefits
- Assistance to developmentally disabled
- Job opportunities for low income individuals

# Which of the following is NOT eligible for public and/or assisted housing?

Answer on  
the left



Feedback

A

B

C

D

No Answer

- A. Lawful permanent resident SIJS children
- B. Bona fide T visa applicants
- C. U visa holders
- D. VAWA self-petitioners
- E. Asylum recipients/Refugees

# 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

# Education

- DHS does not require universities to ask about immigration status of applicant or enrolling students
- Immigrants eligible for student federal student grants and loans (FAFSA)
  - VAWA self-petitioners and their children
  - Lawful permanent residents including SIJS/Us
  - Trafficking victims
  - Refugees/asylees
  - SIJS recipients of lawful permanent residency



# LIHEAP and DOE Weatherization

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

# Disaster Relief and Immigrants

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

# The Five Year Bar

- Immigrants entering the United States after August 22, 1996 are ineligible for TANF, TANF Child Care, Medicaid, CHIP, Food Stamps (SNAP) and SSI for the first five years of they have qualified immigrant status.
- Certain immigrants are not subject to the five year bar including:
  - Refugees,
  - Asylees
  - Amerasian immigrants
  - Cuban/Haitian entrants,
  - Immigrants granted withholding of deportation
  - Victims of severe forms of human trafficking

# Federal Means-Tested Public Programs Have Most Limited Immigrant Access – (State Option):

- **TANF**
  - 5 year bar if entered the U.S. after August 22, 1996
- **SSI**
  - Lawful permanent residents only if 40 quarters or work credit + “qualified immigrant” status and 5 year bar if entered the U.S. after August 22, 1996
  - Refugee
  - Trafficking victim
  - Veteran and “qualified immigrant” spouses, children
- **Food Stamps**
  - “Qualified Immigrants” 5 year bar post August 22, 1996 and children
- **Medicaid and Child Health Insurance Program Subsidies**
  - Exchange purchase access = “lawfully present” immigrants
  - Subsidies federal 5 yr. post Aug., 22, 1996 entrants to U.S.

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

## Child Care Development Fund

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

# State Option

- Federal benefits laws allow states to choose whether and which immigrants get which benefits in each state
- States can
  - Provide state funded benefits to specific groups of immigrants
    - Varies by state, by benefit, by immigration status
  - Provide less than the standard level of federally funded benefits

# NIWAP's Public Benefits Map and Public Benefits Charts

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

# Small Group Activity

- Returning to the case and Clara and Eduardo, what benefits access would the following receive in Nebraska and when–
  - Lupe and Clara (with Miguel included in Clara's application) as a VAWA self-petitioner
  - Clara, Miguel and Lupe as U visa applicants
  - Clara and Miguel as T visa applicants
  - Lupe as an applicant for SIJS



# Interactive Public Benefits Map

# 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







# Access to Public Benefits in Nebraska

- TANF & TANF funded childcare
  - T visa bona fide or holders(& their children)
  - Continued presence (& their children)
  - VAWA self-petitioners (& their children) 5 yrs after prima facie
  - SIJS children, U visas 5 years after lawful permanent residency
- Food Stamps
  - T visas/Continued Presence (& their children)
  - Under 18 children of VAWA self-petitioners
  - VAWA self-petitioners – 5 years after prima facie

# 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

# 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



# 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

# 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

# Nebraska Drivers' License

- Lawful permanent residency card
- Foreign passport + unexpired visa
- Work authorization document
  - T visa/continued presence with HHS certification (3 -- 8 months)
  - VAWA self-petition approval (18 months)
  - U visa wait list approval (4-6 years)
  - SIJS lawful permanent residency (8 months – 3 years)

# Police and Prosecutors' Perspectives

- How criminal investigations and prosecutions are improved when victims can access the benefits safety net?
- Which forms of assistance are most important for victims working with law enforcement and prosecutors?

# Large Group Discussion

- Accompanying Victims Applying for Public Benefits

# Web Page Materials

- Public Benefits Open to Immigrant Victims
  - Bench Cards
    - Public Benefits and Immigrant Victims
    - T Visa eligibility, U Visa eligibility, VAWA eligibility
  - Benefits Open to all Immigrants -Brochure
  - State Benefits Charts
  - Brochure: Immigrant crime victims and public charge
  - Chart: Privacy protections for immigrants applying for public benefits
  - Chapter: Access to Legal Services for immigrant survivors
  - And more...

# 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)