

NIWAP



STRENGTHENING COMMUNITY AND ORGANIZATIONAL RESPONSES: OBTAINING U AND T VISA CERTIFICATION FOR IMMIGRANT VICTIMS OF CRIME AND TRAFFICKING

Training For Attorneys and Victim Advocates

**Annapolis Maryland
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NIWAP

National Immigrant Women's Advocacy Project
American University Washington College of Law

Introductions



Leslye E. Orloff
Adjunct Professor
and Director, National
Immigrant Women's
Advocacy Project,
American University
Washington College
of Law



Deepa Bijpuria
Managing Attorney
Maryland, Ayuda



**Commander
Giovanni Veliz
(Retired)**
Minneapolis Police
Department

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NIWAP <http://niwaplibrary.wcl.american.edu>

- Training Materials for:
- Law Enforcement
- Prosecutors
- Systems Based Victim Advocates
- Judges
- Attorneys/Victim Advocates
- Statutes, Regulations, Policies & Government Publications
- Language Access
- Multilingual Materials
- Immigration
- Family and Criminal Law
- VAWA Confidentiality
- Public Benefits, Legal Services & Economic Relief
- Dynamics, Culture, Collaboration & Safety

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>

Ayuda's Services

Ayuda provides **legal, social, and language services** to help low-income immigrants in our neighborhoods access justice and transform their lives. Since 1973, we have served more than 150,000 low-income immigrants throughout Washington DC, Maryland and Virginia.

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

Please check the box that best describes you:

- A. Victim Advocates and coalition staff
- B. Family Law Attorneys
- C. Prosecutors, law enforcement & their victim witness staff
- E. Other – type in the chat



POLL

Learning Objectives

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

- Screen survivors for U and T visa, VAWA, and SIJS immigration relief eligibility
- Implement best practices for obtaining U and T visa certifications
- Build good working relationships with certifying agencies
- Be able to use NIWAP's benefits tools to look up how immigration relief options impact access to public benefits in Maryland

Poll: Have You Assisted Immigrant Survivors Who Were Applying For

Please check all boxes that apply:

A. VAWA self-petitions

B. U visas

C. T visas

D. Special Immigrant Juvenile Status



Immigration Relief Overview and Screening

U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS

Immigration Protections for Noncitizen Victims of Crime and Abuse

T VISA CONSIDERATIONS

- ▶ Must be in the U.S. on account of human trafficking
- ▶ Law enforcement declaration is encouraged but not required

✓ If approved, benefit provides:

- Up to four years of temporary nonimmigrant status
- Work authorization
- Access to federal and state benefits and services
- Ability to apply for permanent residency
- Ability for qualifying family members to receive derivative nonimmigrant status, even if not already in the U.S.

To apply: USCIS Form I-914

T VISA
For victims of human trafficking

VAWA CONSIDERATIONS

- ▶ Have suffered battery or extreme cruelty perpetrated by your U.S. citizen or Lawful Permanent Resident spouse or parent or your U.S. citizen adult son or daughter
- ▶ Petitioners and perpetrators may be of any sex or gender

✓ If approved, benefit provides:

- Lower priority for removal
- Work authorization
- Access to federal and state benefits and services (possibly sooner than approval)
- Ability to apply for permanent residency
- Ability for children of self-petitioning spouses or children to receive permanent residency, even if not already in the U.S.

To apply: USCIS Form I-360

VAWA
For victims of domestic violence and abuse

ASYLUM CONSIDERATIONS

- ▶ Must fear persecution on account of race, religion, nationality, political opinion, or membership in a particular social group
- ▶ If in removal proceedings, may need to file Form I-589 with the immigration judge

✓ If approved, benefit provides:

- Asylee status
- Work authorization
- Access to federal and state benefits and services
- Ability to apply for permanent residency
- Ability for spouse and children to receive asylum, even if not already in the U.S.

To apply: USCIS Form I-589

ASYLUM
For victims of persecution

SIJ

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

SIJ CONSIDERATIONS

- ▶ Must be a victim of abuse, abandonment, neglect, or a similar basis under state law by one or both parents
- ▶ Must have a juvenile court order with the required determinations

To apply: USCIS Form I-360

U VISA

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

✓ If approved, benefit provides:

- Ability to apply for permanent residency

To apply: USCIS Form I-918

U VISA CONSIDERATIONS

- ▶ Qualifying crime must have occurred in the U.S. or violated U.S. law
- ▶ May apply from the U.S. or while abroad
- ▶ Must have law enforcement certification

✓ If approved, benefit provides:

- Up to four years of temporary nonimmigrant status
- Work authorization
- Ability to apply for permanent residency
- Ability for qualifying family members to receive derivative nonimmigrant status, even if not already in the U.S.



Immigration Relief Available for Immigrant Victims of ---

- Domestic violence
 - Child abuse
- Sexual assault
- Rape
- Incest
- Prostitution
- Torture
- Felonious assault
- Manslaughter
- Murder
- Female genital mutilation
- Kidnapping
- Abduction
- Trafficking
- Involuntary servitude
- Slave trade
- Being held hostage
- Fraud Foreign Labor Contracting
- Peonage
- False Imprisonment
- Blackmail
- Extortion
- Witness tampering
- Obstruction of justice
- Perjury
- Stalking
- **Parent perpetrated**
 - **Child abuse**
 - **Child neglect**
 - **Child abandonment**

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

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 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 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.D. 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

- 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
- U and T 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
- 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 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.

What forms of immigration relief would Clara qualify for:

- A. U visa
- B. Included in Lupe's VAWA self-petition
- C. T visa
- D. All of the above

Feedback

A

B

C

D

No Answer

What forms of immigration relief would Lupe *NOT* qualify for:

Feedback

A

B

C

D

No Answer

- A. VAWA self-petition
- B. U visa
- C. Special Immigrant Juvenile Status (SIJS)
- D. T visa

What forms of immigration relief would Miguel qualify for:

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

Feedback

A

B

C

D

No Answer

Time to Deferred Action and Work Authorization Clara, Miguel, and Lupe

- 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 – 18 months
- SIJS – 6 months
 - For Lupe as a victim of child abuse by Eduardo
 - For Miguel if abandoned by his natural father
- U visa – 60-62 months

Know About OTIP Letters

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

HHS Child Eligibility Letters

- 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”
- HHS reviews Requests For Assistance (RFAs) and connects potential victims of trafficking with state and federal benefits and services
- Must file child’s RFA before age 18
- Receive interim assistance for up to 90 days
- Eligibility letters give child trafficking victims access to benefits and services to the same extent as refugees indefinitely
 - Access to benefits throughout the time the child is applying for continued presence, T visa, or U visa

Discussion

When a victim comes to your agency for help how do you approach what to do first?

Improving Immigrant Victim Safety Through Early Screening

- Know forms of immigration relief immigrant survivors qualify for
- Document history of abuse
- Know the differences between immigration options
- Incorporate into safety planning

Value of Filing Early

- File the victim's immigration case ASAP
 - DHS VAWA confidentiality computer system
 - Case file discovery protections civil/family/criminal cases
 - Sufficient evidence for prima facie/bona fide
- Benefits for victims of early filing:
 - Protection from deportation
 - Earlier access to work authorization
 - Safer for victims to cooperate in criminal cases and obtain protection from family courts
 - Speeds access to public benefits
- Can submit additional evidence as it becomes available before adjudication

Maryland U visa Statute: Confidentiality

- The law limits disclosure of information about persons seeking certification
- A certifying entity may disclose only:
 - In order to comply with federal law, court order, or a discovery obligation in the prosecution of a criminal offense OR
 - After all adult petitioners for a U visa and/or U visa holders have provided written consent for the disclosure of information

Advocacy and Best Practices

- Give victims a letter stating that they are in the process of filing a VAWA, T, or U visa immigration case
- File the immigration case before:
 - Protection order, divorce, or custody case
 - Victim travels to a new location
- Particularly when the victim is receiving immigration-related threats

*Can and should victims
apply for multiple forms
of relief? If so, why?*



**U Visas Promote Trust and
Access to Justice:
U Visas and U Visa Certification**

What were Congress' goals in creating immigration relief for victims of criminal activity and abuse?



Purpose Crime Victim-Based Immigration Relief

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

- Enhance victim safety
- Allow victims to report crimes and seek help from police, prosecutors, and courts without fear of deportation
- Improve access to justice in family/criminal/civil courts for immigrant victims of
 - Domestic & sexual violence, stalking, human trafficking and child/elder abuse
- Improve community policing and community relationships
- Increase prosecution of perpetrators of crimes against immigrant victims
- Keep communities safe

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:
 - Detection
 - Investigation
 - Prosecution
 - Conviction
 - Sentencing

Harm

- Substantial physical or mental abuse as a result

This is not a part of the certification

Qualifying Criminal Activity

Abduction	Hostage	Sexual Assault
Abusive Sexual Contact	Incest	Sexual Exploitation
Blackmail	Involuntary Servitude	Slave Trade
Domestic Violence	Kidnapping	Stalking
Extortion	Manslaughter	Torture
False Imprisonment	Murder	Trafficking
Felonious Assault	Obstruction of Justice	Witness Tampering
Female Genital Mutilation	Peonage	Unlawful Criminal Restraint
Fraud in Foreign Labor Contracting	Perjury	Prostitution
Rape	Attempt, conspiracy or solicitation to commit crime or similar activity	
	These are general categories, and not specific crimes or citations to a criminal code.	

Types of Qualifying Criminal Activity

- Conviction of criminal activity is not required
 - Also includes attempt, conspiracy, or solicitation to commit any of the above and other related crimes
- Qualifying criminal activity includes any similar activity where the elements of the crime are substantially similar. Examples:
 - Hate crimes
 - Video voyeurism
 - Elder abuse/abuse of adults with disabilities
 - Child abuse
 - Robbery or aggravated robbery could be similar to felonious assault depending on the evidence and state law definition

Who Can Apply?

- Victim of qualifying criminal activity
- Parents and guardians can apply as an “indirect victim” if:
 - The direct victim is a child under 21 years of age and/or
 - The direct victim is incompetent, incapacitated, or deceased due to murder or manslaughter
- Indirect victims must demonstrate that they were, are being, or are likely to be helpful
- 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

Who Can Certify?

“law enforcement” & “law enforcement agencies” =

- Federal, state, and local
 - Police, sheriffs, FBI, HIS, ATF
 - Prosecutors
 - Head of agency or designee
 - Judges, Magistrates, Commissioners, other judicial official
- Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)
- Child and Elder Abuse agencies
- Other government agencies with investigative authority

Which Judicial Officers Can Certify?

- Federal, state, & local
 - **Judges, Magistrates, Commissioners, Judicial Referees, Masters, Alderman, ALJs, Surrogates, Chancellors**
 - Others with delegated decision-making authority
- Judge will need to amend the form

Poll: Why might a victim seek certification from a state court judge?

Please check all boxes that apply:

- A. Only justice system contact a custody, protection order, civil employment or child welfare case
- B. No language access to police when victim called for help
- C. Police did not investigate and case never sent to prosecutor
- D. Judge observed victim's attendance and participation in criminal case



*Why did Congress design
the U visa to authorize
multiple agencies to
provide U visa
certification?*



Maryland U Visa Statute: Who Certifies

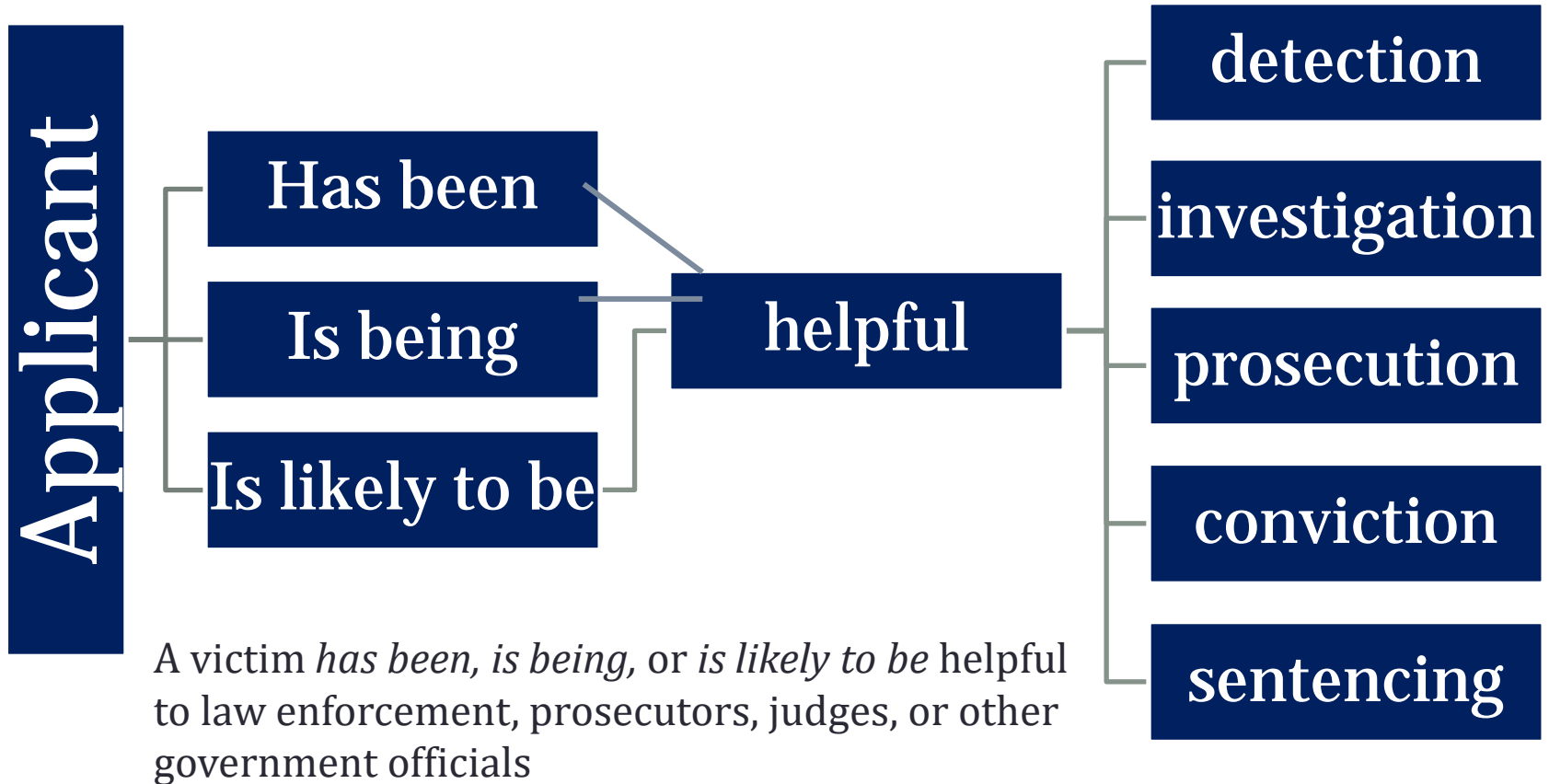
- Certifying Agents:
 - State and local law enforcement
 - Prosecutors
 - Child protective services
 - Maryland commission on civil rights
 - MD Department of labor
 - Other state agencies responsible for the detection, investigation or prosecution of cases involving U visa criminal activities

Maryland U Visa Statute: Timing Requirements – Certifying Agency Shall

- Complete or deny certification within 90 days of request
 - 14 days if the victim is in removal proceedings or is subject to a final removal/deportation order
- Include in the certification
 - Details about the criminal activity
 - Description of the victim’s helpfulness
 - Copies of documents that help prove substantial harm
- A current investigation, the filing of charges, a prosecution or a conviction **IS NOT REQUIRED** for a victim to request and obtain certification

Definition of “Helpfulness”

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



Maryland U visa Statute -Helpfulness

11-931 (A) "HELPFULNESS"

- When a person was a victim of a U visa listed criminal activity; and
- Was helpful or is being helpful or is likely to be helpful
 - In the detection, investigation, or prosecution
- Shall be considered helpful for purposes of U visa certification
- The parent/guardian/next friend can provide helpfulness when the victim
 - Was under 16 year old victim on the date of the criminal activity; or
 - Is incapacitated or incompetent

Raise Your Hand

- If you have sought U visa certification since October 1, 2019 and were denied?



Poll: If you have been turned down for U visa certification since 10/2019, which agencies denied certification?

Please check all boxes that apply:

- A. Local police
- B. State police
- C. Sheriffs
- D. Prosecutors
- E. Child/Adult protective services
- F. State labor/civil rights agency
- G. Judges



Type in the chat the
counties where U visa
certification was denied.



What problems have you had since 10/2019 in obtaining certification?

If certification was denied, what reasons were you given?



*How does the U visa help
Law Enforcement and
Victims?*



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
 - 22% help other victims report abuse and seek help/justice
- Significant reductions in abusers using the victim's immigration status 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 to use the immigration status of the victim to gain an advantage in family court

As a certifier how do you determine helpfulness?



DHS Promotes a Victim-Centered Approach

- Includes practices that build trust, help stabilize victims, and minimize victimization and additional trauma. Equally values
 - The identification and stabilization of victims, including providing immigration relief, and
 - The detection, investigation, and prosecution of perpetrators of serious crimes.
- Promoted by use of qualified interpreters

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

Example of 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

The following are **Not Required** in order to certify that a victim has been helpful

- Certification signed within the statute of limitations of the qualifying criminal activity
- 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



Victim-
centered
approach

Helpfulness vs. Cooperation/Assistance

For Certification Before Filing the U Visa

- Has been helpful *Or*
- Is being helpful *Or*
- Is likely to be helpful

TO.....

- Detection *Or*
- Investigation *Or*
- Prosecution *Or*
- Conviction *Or*
- Sentencing

After Filing the U visa & for Permanent Residency

- Ongoing obligation to provide cooperation or assistance
 - Reasonably requested by law enforcement or prosecutors
- **Exception:** may show that refusal to cooperate or assist was not unreasonable

Evaluating Unreasonableness

DHS regulations require affirmative evidence and consideration of:

- Totality of the circumstances
- The nature of the victimization
- Applicable guidelines for victim/witness assistance
- Victim's fear or the abuser
- Trauma suffered (both mental and physical)
- Force, fraud or coercion
- Age, maturity, capacity of the applicant
 - 8 C.F.R. 245.24(a)(5)
- Research shows high rate of U visa victim cooperation over time

If You Still Believe the Victim is Unreasonably Refusing...

- Note on the certification, sign, and return to victim or victim's attorney
- Burden shifts to victim to prove the refusal is not unreasonable
- DHS provides the victim an opportunity to explain
- DHS makes the ultimate decision

*How do law enforcement,
prosecutors, and victim
advocates/attorneys build
relationships that improve U visa
certification?*



*What are prosecution
best practices regarding
U visa certification?*



Analyze Case, Educate Judge and Jury

Victim Selection

- Did the offender choose the victim because of a real or perceived vulnerability?

Criminal Act

- Did the offender use the victim's immigration status to commit a criminal act?

Escape Detection

- Was the victim prevented from reporting the crime to police because of their immigration status?

Establishing Timeline

Victim
statements
to officers,
friends, and
others

**Motive
to lie**

Testimony
consistent
with
statement

Introduce
prior
consistent
statements

*How do relationships
with state and local law
enforcement/prosecutors
also help human
trafficking victims?*



Continued Presence

- Temporary immigration status for any victim of human trafficking *who may be a potential witness*
 - Sex and/or labor trafficking
- Victim (and certain family) remain lawfully in the U.S. during investigation or prosecution into human trafficking
- Granted for 2 years, can be renewed
 - Receive work authorization, public benefits and services
- **State and local law enforcement, prosecutors and judges should refer victims to federal authorities** who are authorized to file continued presence applications for trafficking victims with DHS

Federal Agencies That Can Request Continued Presence

- Homeland Security Investigations (HSI)
- Federal Bureau of Investigations (FBI)
- Department of State Diplomatic Service
- U. S. Attorney's Offices
- DOJ Civil Rights and Criminal Sections
- U.S. Marshals Service
- U.S. Department of Labor
- Equal Employment Opportunity Commission

Access to Publicly Funded Programs and Legal Services Open to all Immigrant 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
- Crime Victim Compensation
- Shelter
- Transitional Housing
- GED
- WIC/school lunch & breakfast
- Primary/Secondary education
- Immunizations
- Emergency medical care
- Care from community &
migrant health clinics
- VOCA Assistance

Legal Assistance for Victims (LAV) Restrictions to Representation

- Age requirements
- Representation is limited to direct victim of
 - Domestic violence; Sexual assault; Dating violence; and/or Stalking
 - Includes trafficking victims who are also victims of the above
- Representation without regard to location of abuse and immigration status

Representation Under VAWA

Anti-Abuse Laws and Regulations

- LSC funded programs can represent the following immigrant survivors **without regard to the immigration status**
 - Domestic violence
 - Child abuse
 - Elder abuse
 - Sexual Assault
 - Human trafficking
 - Any other U visa listed criminal activity
- Representation is available whether or not the survivor has filed for or plans to file for victim related immigration relief
- Legal services needed to escape, ameliorate effects of, or protect against future abuse.

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

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



State Option

- States have the option to provide some state funded benefits to immigrants
 - During the 5 year bar and/or
 - Those who are abused
- Varies by state and type of benefit
 - Can be important to look up neighboring states
- Advocacy includes safety planning during the 5 year bar

Interactive Public Benefits Map Demonstration: State-By-State

Hide fields Filter Group Sort ...

	Ben...	STATE & TERRITORY	Benefit Name	VAWA Self-Petitioner
1	309	Florida Public Benefits	Child Care - TANF Funded	Eligible for TANF funded child care if receiving TANF.
2	308	Florida Public Benefits	Child Care: Child Care Development Fund (CCDF)	Eligible for CCDF
3	310	Florida Public Benefits	Children's Health Insurance Program (CHIP)	Eligible up to age 19 upon prima facie determination ...
4	311	Florida Public Benefits	Earned Income Tax Credits (EITC)	Eligible with conditions upon receipt of work ...
5	313	Florida Public Benefits	Emergency Medicaid	Eligible.
6	315	Florida Public Benefits	Family Medical Leave Act - State Law	No state law, federal law applies.
7	316	Florida Public Benefits	Federal Education Student Aid, Grants, and Loans	Eligible upon prima facie determination.

30 records um 13017

Airtable Download

BENEFITS MAP

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

<https://niwaplibrary.wcl.american.edu/benefits-map>

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

Immigration & Public Benefits - Clara, Lupe & Miguel -MD

- TANF: T visa (ORR letter) VAWA self- petitioners eligible (3 mo), SIJS filed
 - U visa (bona fide determination 4-5 years)
- SNAP: T visa (ORR letter) – Clara and children
 - Children: VAWA prima facie (3 mo), SIJS-LPRs (\approx 3 years);
 - Clara: VAWA (5yr); U visa –LPR (\approx 26 yr)
- Housing: T visa (ORR letter), VAWAs, LPRs: SIJS (\approx 3yr), U visa (\approx 21 yr)
- Health purchase on exchange:
 - T visa (ORR letter) VAWAs (3 mos), SIJS filed, U visa bona fide (\approx 4-5 yrs)
- Health subsidies: Lawfully present children
 - T visa ORR letter, VAWA (3 mos); SIJS filed, U bona fide (\approx 4-5 yrs), or Montgomery Co (250% FLP); Prince Georges (300% FLP)
 - Adults: T visas (ORR letter), If pregnant; Montgomery (250% FLP).
- Education (FAFSA): T visa (ORR letter); VAWA (3 mo)
 - LPRs: SIJS (\approx 3yr), U visa (\approx 21 yr)

Technical Assistance and Materials

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

Thank you!

- Leslye Orloff, orloff@wcl.american.edu
- Deepa Bijpuria,
deepa.bijpuria@ayuda.com
- Giovanni Veliz
giovanniveliz2023@gmail.com