



## **Lunch and Learn Session Introduction**



Pre-session survey

## **Best Practices and Tools for Child Welfare Professionals to Support Immigrant Child Victims**

Maryland Department of Human Services and  
ISS-USA -Lunch and Learn Series

**Annapolis, Maryland  
May 4, 2026**



# Faculty



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NIWAP, American University  
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# Governor's Office of Immigrant Affairs (OIA)

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May 4, 2026

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# Office of Immigrant Affairs Team



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# Ongoing OIA Initiatives

## Implementation of 2026 State laws

- Monitoring bills as they are signed and will support their implementation. These include laws that:
  - End 287(g) agreements
  - Expand “sensitive locations”

## Planning for increased enforcement

- **Learn from other cities and states:** Prepare for increased enforcement. We are closely watching other cities and states where there were surges and/or increased enforcement..
- **Proactive steps:** In anticipation of increased enforcement, hosted TTXs with agency and community partners

## Expanding Legal Representation

- Rural Legal Service (less reliance on DOJ Accredited Reps)
- Adjustment of Status
- Trainings related to accountability

**Language access.** The Office of Immigrant Affairs co-leads (alongside the Maryland Department of Disabilities) a cross-agency effort to strengthen the delivery of State services to English language learners and those with communication difficulties. 6

# Ongoing OIA Initiatives Continued

## **Addressing harms of deportation on children**

- Family Preparedness Clinics – Collaborating with community organizations across the state to engage in family preparedness, including standby guardianship.
- Tabletop exercises and roundtables– Partnering with agencies to have tabletop exercises and roundtables in various counties to prepare for and respond to federal immigration actions.

**Citizenship Maryland.** Over 150,000 Maryland residents are eligible to become U.S. citizens through the naturalization process. Issued grants and are working with partners to host clinics.

**Addressing fraud and exploitation of immigrants.** Office of Immigrant Affairs convenes whole-of-government Immigrant Rights Protection Task Force to support immigrant Marylanders rights as workers, tenants, consumers, taxpayers and to address fraud and exploitation targeting immigrants. This portfolio also includes promoting awareness of immigrant victim-based protections (U / T / VAWA) and serving as a resource for certifying agencies.

**Workforce development:** Hosting job fairs and working to expand opportunities for immigrant workers.

# NIWAP Resources

- NIWAP Web library
  - Directory
  - Public Benefits Interactive Map & Demographics
  - Materials: Bench cards, toolkits, training tools, legal research, multi-lingual outreach materials
- Technical Assistance
  - Cases, policies, strategies
  - Email, phone, zoom
- Trainings and Webinars
  - On-line, virtual, in-person
  - Customized
- Communities of Practice
  - Government agency staff:
    - Child protective services, law enforcement, prosecutors
  - Victim advocates, family lawyers, National Judicial Network



# Technical Assistance Topics

- Legal immigration remedies
  - VAWA, U and T visas, Battered Spouse Waiver, Special Immigrant Juvenile Status (SIJS), and Naturalization for Survivors
- Government agency's roles – Screening, assistance and referral for eligible victims, U and T visa certification, SIJS court orders
- Prosecution strategies
  - Discovery, immigrant victim case strategies, and Expert Witness
- VAWA Confidentiality protections
- Issues that arise for immigrant survivors in family court cases
  - Including child welfare, protection orders, custody, divorce, support
- Qualified immigrants and public benefits, services, and legal assistance
  - E.g. housing, healthcare, driver's licenses, education, SNAP, TANF
- Providing trauma informed, culturally aware, child-centered assistance to immigrant and Limited English Proficient survivors and children

# Poll: Who is attending this webinar?



- A. Child protective services agency case workers
- B. Child protective services agency leadership
- C. Gov't attorneys/prosecutors
- D. Judges/court staff
- E. Other type in chat

# Join a NIWAP Community of Practice

- Roundtable for Law enforcement, prosecutors, CPS and other gov't agency staff
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial officials only)
- Family Law Attorneys COP
- Victim Advocates COP



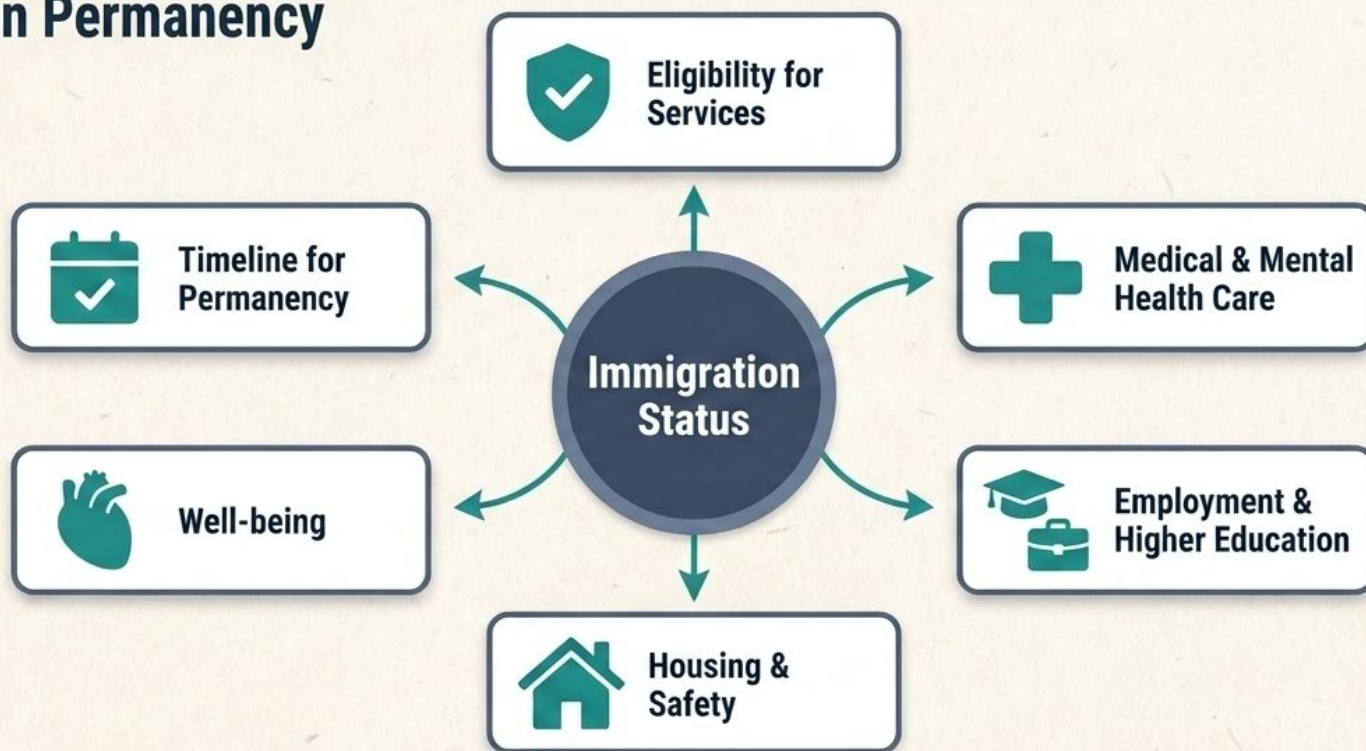
# Casey Family Programs



**Rachel T. Konrad**  
Senior Director  
Systems Improvement

# The Impact of Immigration Needs on Permanency

Tab 1



**The Ticking Clock:** Legal relief options exist for eligible immigrant children without lawful status, but the process is highly time-consuming. Early identification and referral to high-quality legal representation must begin as soon as possible.

## Scanning the Case File: Indicators of Immigration Need

Review the existing file for these clues before initiating a conversation with the child.



### Documentation & System Flags

- ☒ Foreign Birth Certificate / Missing Birth Certificate
- ☒ Ineligible for Title IV-E funding
- ☒ Missing Social Security Number (SSN)
- ☒ Existing Immigration Paperwork (USCIS, ORR, ICE, or EOIR)



### Biographical & Family Flags

- ☒ Primary Language(s) other than English
- ☒ Parent/Caregiver located abroad
- ☒ Parent/Caregiver currently detained
- ☒ Indicators of Sex and/or Labor Trafficking or Exploitation

## Tab 3

# Safely Communicating with the Child



### Rules of Engagement (The Guardrails)

Explain that the U.S. government has special programs to help children get documentation and papers.

Assure them their information will **ONLY** go to the legal provider—never to U.S. immigration (ICE) or state/local law enforcement.

Let the child know that the referral is entirely their choice.

### In-Practice Scripts (What to Say)

"I like to double-check in every case. Do you (or does anyone in your family) have immigration concerns?"

"It looks like you don't have a U.S. birth certificate. Can you tell me where you were born?"

-- OR --

It looks like we're missing school info. Where was the last place you attended school?"

"I can make a request to connect you to an immigration attorney who can help you get papers. Do you want me to request that service for you?"

Immigration Referral Tool for Case Workers:

[HTTPS://CIMMCW.ORG/WP-  
CONTENT/UPLOADS/IMMIGRATION-REFERRAL-TOOL-FOR-  
CASEWORKERS.PDF](https://cimmcw.org/wp-content/uploads/immigration-referral-tool-for-caseworkers.pdf)

**UPDATES COMING SUMMER 2026!**

# Learning Objectives

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

- Identify immigrant children & family members who qualify for victim-based forms of immigration relief and provide timely appropriate referrals
- Implement Child Protective Services agency practices that result in children and family members applying for immigration relief receiving U and T visa certifications and judicial determinations needed for Special Immigrant Juvenile Status applications
- Meet requirements of Maryland's law on U Visa certifications
- Identify public benefits & services that immigrant child survivors & protective parents are eligible to receive in Maryland.



# Why Congress Included Legal Immigration Relief in the Violence Against Women Act (VAWA) and the Trafficking Victims Protection Act (TVPA)

# Poll: Why did Congress Create Special Immigration Protections For Victims of Crime and Abuse

(Check all that apply)



- A. Increase reporting of crimes and abuse by immigrant victims and protective parents
- B. Improve police/gov't agency and immigrant community relationships
- C. Hold offenders accountable
- D. Give victims more immigration options including special protections from removal
- E. Keep communities safe

# Purpose Crime Victim Based Immigration Relief

Congress enacted VAWA self-petitioning (1994), U & T visas (2000, 2005, 2008, 2013) & Special Immigrant Juvenile Status (SIJS) (1990, 2008) to:

- Enhance victim safety
- Allow victims to report crimes and seek help from police, prosecutors, child welfare, & courts without fear of deportation
- Improve access to justice in family/juvenile/criminal/civil courts for immigrant victims of
  - Domestic & sexual violence, child/elder abuse, stalking, human trafficking
- Improve community policing and relationships between government agencies and immigrant communities
- Increase prosecution & ability of courts/gov't agencies to hold perpetrators accountable for crimes against immigrant victims
- Keep communities safe



# Department of Homeland Security



- DHS Video

# Sexual Assault Rates Among Immigrant Women

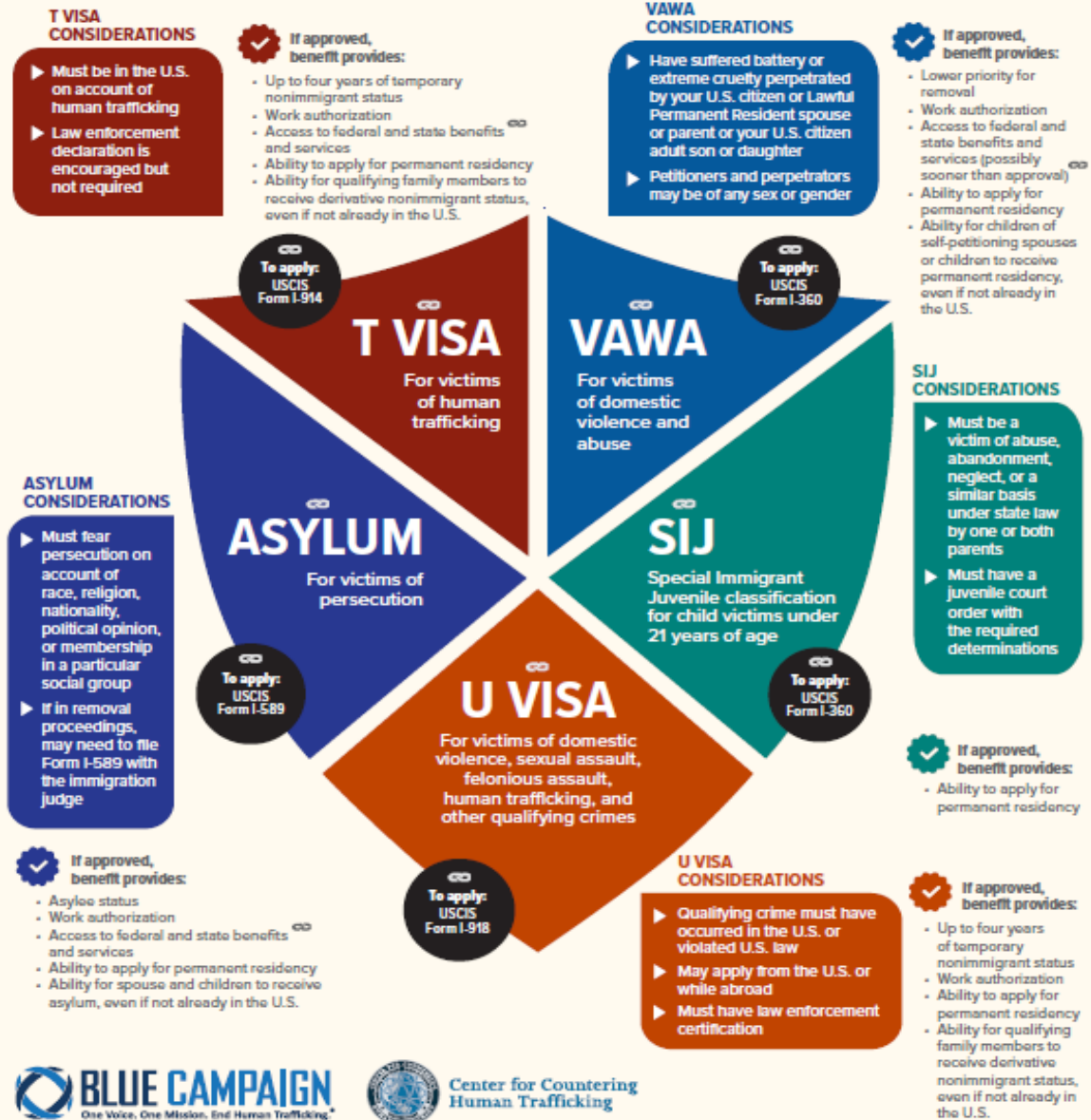
- High school aged immigrant girls
  - Twice as likely to have suffered sexual assault as their non-immigrant peers, including recurring sexual assault
  - Decker, M., Raj, A. and Silverman, J., Sexual Violence Against Adolescent Girls: Influences of Immigration and Acculturation, 13 Violence Against Women 498, 503 (2007).



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

# NIWAP

## U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS



Center for Countering Human Trafficking

[DHS.GOV/BLUECAMPAIGN](https://dhs.gov/bluecampaign)

For victim support call 1-800-373-7888 or text INFO or HELP to BeFree (233732)  
All U.S. Citizenship and Immigration Services (USCIS) forms can be found at: [www.uscis.gov/forms/all-forms](https://www.uscis.gov/forms/all-forms)

# Immigration Relief Available for Immigrant Victims of ---

- Domestic violence
    - Child abuse
    - Elder abuse
  - Sexual assault
  - Rape
  - Incest
  - Prostitution
  - Torture
  - Felonious assault
  - Manslaughter
  - Murder
  - Female genital mutilation
  - Kidnapping
  - Abduction
  - Trafficking
  - Involuntary servitude
  - Slave trade
  - Being held hostage
  - Fraud Foreign Labor Contracting
  - Peonage
  - False Imprisonment
  - Blackmail
  - Extortion
  - Witness tampering
  - Obstruction of justice
  - Perjury
  - Stalking
  - Hate Crimes
  - Video voyeurism
  - **Parent perpetrated**
    - **Child abuse**
    - **Child neglect**
    - **Child abandonment**
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

# Who Qualifies For Victim-Based Immigration Relief

- Helps **both** documented and undocumented
  - Immigrant children (VAWA, T & U, SIJS)
  - Parents of abused or neglected children (VAWA, T & U)
    - “battered or subjected to extreme cruelty”
    - Child maltreated may be a U.S. citizen
- No police report required (VAWA, T, U SIJS)
  - T/U cases victim need only provide information about the criminal activity to a government official
  - Can be CPS/APS, judge, law enforcement, prosecutor, EEOC

# Helping Abused Immigrant Parents Protects Children in Immigrant Families

- National domestic violence and child abuse co-occurrence rate: 30-40%
- Rates among immigrants similar
- Co-occurrence among
  - Help seekers: 23%
  - Abused immigrants who did not seek help: 77%
- Children of help seekers 20% less likely to have abuser threaten them
- 33% less likely to have abuser threaten to take them away from their mother
- Ammar, Orloff, Hass and Dutton, "Children of Battered Immigrant Women: An Assessment of the Cumulative Effects of Violence, Access to Services and Immigrant Status." (September 2004)  
<http://niwaplibrary.wcl.american.edu/pubs/co-occurencedvchildabuse/>

# Child Welfare Cases and Termination of Parental Rights

*In re Interest of Angelica L., 277 Neb. 984 (2009)*

- Parents have a Constitutional right to custody (absent unfitness)
- Applies to all families without regard to:
  - Undocumented immigration status
  - Immigration detention
  - Deportation
- Overriding presumption that:
  - Parent-child relationship is constitutionally protected
  - In children's best interest to stay with/be reunited with their parent(s)
- Child's best interests is most important
  - A comparison of natural vs. adoptive parent's cultures, countries or financial means is not to be made

# What Happens If A Victim Leaves The U.S.?

- A U visa & VAWA victims can file from abroad if the any part of the victimization occurred in the U.S.
- A T visa victim and SIJS children must be in the U.S. to file.
- For victims with pending or approved applications for VAWA, T visa, U visa or SIJS leaving the U.S. without a Green Card could leave them stranded abroad.

How do immigration legal remedies promote victim, community and police officer safety?

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

- Increased justice system involvement
  - 114% increase in willingness to trust the police
  - 36% make police reports regarding future crimes
  - 60% seek protection orders and/or custody
  - 22% help other victims report abuse and seek help/justice
- Mental Health, Education and Economic Benefits at Work Authorization
  - It being easier to make decisions 432%
  - Sleeping better & being calmer– 300%
  - Standing up for themselves 225%
  - Secure jobs: paying minimum wage+ 300%; that deduct taxes 542%; & 43% benefits vacation, sick leave, health insurance
  - ESL 226%; GEDs 35%; AAs & BAs 38%; Advanced degrees 19%

Orloff, Magwood, Campos-Mendez, & Hass, *Transforming Lives: How the VAWA Self-petition and U Visa Change the Lives of Victims and their Children After Work-Authorization and Legal Immigration Status* (June 2021); Krisztina E. Szabo, David Stauffer, Benish Anver, *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); Leslye Orloff, et. al., *U Visa Victims and Lawful Permanent Residency 5* (September 6, 2012)

# Evidence Based Research Has Found Increased Access to Justice

- Courts that issue U/T visa certifications and SIJS judicial determinations
  - See greater numbers of immigrant victims seeking protection orders & custody, and participating in criminal, civil, child welfare, and family court cases
  - Even in times of increased anti-immigrant sentiment and immigration enforcement

Rodrigues, Orloff, Couture-Carron, and Ammar, Promoting Access to Justice for Immigrant Crime Victims and Children: Findings of a National Judicial Survey and Recommendations, **National Center for State Courts, Trends in State Courts** (2018)  
[https:// niwaplibrary.wcl.american.edu/pubs/trends-in-state-courts-survey-findings/](https://niwaplibrary.wcl.american.edu/pubs/trends-in-state-courts-survey-findings/)

# VAWA Confidentiality's Protections for Immigrant Survivors: What You Need to Know

# Violence Against Women Act (VAWA) Confidentiality

- Only Federal Statute That Limits Immigration Enforcement
  - Particularly important for cases where the person who perpetrated abuse or neglect of a child is present in the U.S.
  - Examples

# VAWA Confidentiality Prongs Chart

## Non- Disclosure

Protects victims **who have filed** a protected case with DHS

- \*VAWA self-petitions
- \*Battered spouse waiver
- \*VAWA Cancellation/Suspension
- \*U and T Visas
- \*Abused Spouses of work visa holders work authorization applications

## Abuser-Provided Information Prohibition

Includes family members of abusers, crime perpetrators and their agents

### **Protects:**

- \***All victims abused by spouse or parent**
- \*All victims in the process of applying for U or T visas

## Location Prohibitions

### **Protects:**

**All Victims**

### **Requires:**

No action at protected locations  
OR

Notice to Appear must state how they complied with VAWA confidentiality

Violation = \$5,000 fine  
and/or disciplinary  
action

# VAWA Confidentiality Violations

- Each violation
  - Disciplinary action and/or
  - \$5,000 fine for the individual
- VAWA Confidentiality Implementation Guidance (1997, 2005, 2007, 2008, 2013, 2019, 2021, 2025)
- ICE required to:
  - Check for “384” flag before enforcement actions
  - Not rely upon perpetrator provided information
  - Obtain supervisor approval
  - Certify compliance to immigration judge
    - Violations can be basis for dismissal of removal action



# Key 2025 Policies

- Enforcement at Protected Areas (Jan. 20, 2025) & Courthouse Enforcement (Jan. 2025) Policies
  - Require supervisor approval for courthouse enforcement in family, child welfare, protection order and noncriminal cases and courthouses
- Interim guidance on Victims 11005.4 Jan. 31, 2025
  - Requires that ICE deconflict with state, local and federal government agencies to ensure that criminal investigative and other enforcement actions will not be compromised
  - *Requires ongoing adherence to VAWA confidentiality statutes and implementing policies*
    - Bars reliance on “tips” from perpetrators, their family members, and others acting on their behalf

# CPS Role in Promoting ICE Compliance With Current DHS Policies?

- ICE January 2025 policy says will deconflict
  - “Deconflict” to ensure investigations not compromised
- Identify victims as early as possible–
  - Children, non-abusive parents, and caregivers
- Screen for VAWA, T and U which get more protection
  - Than SIJS and other immigrants
- Issue Letters for Victims
  - Letters from *agencies authorized to certify* have the most weight
  - Maryland law, U & T visa statutes, regulations CPS and APS are certifiers
  - Collaborate with state/local law enforcement & prosecutors encourage them to issue letters too

# New Tools

- Letters for law enforcement, prosecutors, and CPS staff to provide to victims
- Letters that judges, court staff, CPS, prosecutors can provide to ICE if they seek a victim at a court
- Letters that advocates and attorneys can provide to victims



# **Child Welfare Best Practices: Immigrant Children and Immigrant Families**

# Goal: For Mixed Status Families

- By identifying immigration status eligibility
  - Children and caregivers
- Enhances family stability
- Expands placement options
- Reduces # children in care
- Filing immigration cases
  - Is in children's best interests
  - Path to work authorization, expanded access to benefits and services, improved protection from deportation

# CPS Must Act Swiftly In

- Screening early – for immigration relief eligibility based on maltreatment
  - Children, non-abusive parents, caregivers
  - *Timing matters* – children can age out losing access to immigration protections
- Referring children and/or parents
  - To attorneys/advocates with immigrant victim expertise: immigration, family, benefits eligibility
  - Trafficked children to OTIP
    - Children/Parents may qualify for and need to file multiple immigration applications
- NIWAP Directory



# Promote Children's Best Interests By:

- Signing
  - U visa certifications & T visa declarations
  - Begin certifying now – See Toolkit for Instructions
- Helping with documentation of maltreatment
  - For victim's immigration case; and
- Seeking court orders containing findings
  - Helpful for VAWA, T and U visa and SIJS cases
- *CPS must ensure that staff and counsel are*
  - Seeking SIJS judicial determinations – prerequisite
  - Ask courts to appoint qualified immigration counsel
    - Partner to identify programs with required expertise

# Toolkits For Government Agencies Working With Immigrant Victims

- This webpage includes Toolkits for
  - Child Protective Services Agencies
  - Adult Protective Services Agencies
  - Federal, State, and Local Judges
  - Law Enforcement Agencies and Prosecutors
- Covers: VAWA, U & T Visas, SIJS



# NIWAP Is Providing You Tools

- CPS/APS toolkits
- Sample letters that deter immigration enforcement against VAWA, T and U visa victims
- Public benefits map and charts
- Infographic – Comparing VAWA, T, U SIJS
  - Protections available children and parents
  - Benefits access in Maryland
  - Timelines
- Brochures DHS & Victim
  - Know your rights
  - Multiple languages



# VAWA Self-Petition and Battered Spouse Waiver

# 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
- *2026 time to work authorization  $\approx$  4 months or 3.7 years*
- **Battered Spouse Waiver**
  - Same group of victims – cases where abuser filed for victim
  - Removes requirement that victim stay with abuser for 2 years
  - *2026 time to approval  $\approx$  29.5 months*

# “Battering or Extreme Cruelty”

- Battering = Anything criminal
- Coercive control = extreme cruelty
  - Strategies designed to establish domination and retain control over another person using
    - Fear, dependence, and deprivation of basic rights and liberties
- Examples of Extreme Cruelty
  - Intimidation
  - Degradation
  - Isolation
  - Controlling, monitoring another's movements
  - Immigration-related abuse
  - Cyber violence
  - Economic abuse
  - Threats to harm children, parents, pets, other family members
  - Withholding food, shelter, medicine, sleep deprivation
  - Religious persecution

Poll: Which of the following persons who are battered or subjected to extreme cruelty are eligible to self-petition?  
(Check all that apply)



- A. Child abused by citizen (USC) or lawful permanent resident(LPR) parent
- B. Undocumented mother of USC child abused by child's USC or LPR step-parent
- C. Child abused by their mother's USC boyfriend
- D. Student visa holder parent whose USC spouse abused the couple's child

# Child Welfare Agency Role - VAWAs

- Screen early
  - Screen for immigration relief eligibility based on maltreatment
    - Children and Parents
  - Including for human trafficking
    - File OTIP Requests for Assistance
- Refer/seek court appointment of lawyers with expertise on immigrant victim's rights - immigration, benefits, family laws
  - NIWAP Directory <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>
- Help with documentation of maltreatment
  - For victim's immigration case; and
  - By seeking court orders containing findings

# U Visa For Victims of Crime

# U Visa Basics

- Government agency certification is just one part of the overall process; it does not provide citizenship
- Meant to promote cooperation with government agency investigations & prosecutions
- Increases immigrant victim and immigrant family member's justice system participation
- Offender may be a citizen or noncitizen
- Victim can be lawfully present or undocumented

# U Visa Requirements

*2025 time to work authorization  $\approx$  2.4 years*

## Victim

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

## Helpfulness

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

## Harm

- Substantial physical or mental abuse as a result

This is not a part of the certification.

# Immigration Legal Remedies Available for Immigrants When *They or Their Children* Are Victims of ---

- Domestic violence
    - Child abuse
    - Elder abuse
  - Sexual assault
  - Rape
  - Incest
  - Prostitution
  - Torture
  - Felonious assault
  - Female genital mutilation
  - Murder
  - Manslaughter
  - Kidnapping
  - Abduction
  - Trafficking
  - Involuntary servitude
  - Slave trade
  - Being held hostage
  - Fraud Foreign Labor Contracting
  - Peonage
  - False Imprisonment
  - Blackmail
  - Extortion
  - Witness tampering
  - Obstruction of justice
  - Perjury
  - Stalking
  - Hate Crimes
  - Video voyeurism
- Attempt, conspiracy or solicitation to commit any of these crimes or any similar activity**

# Who can apply?

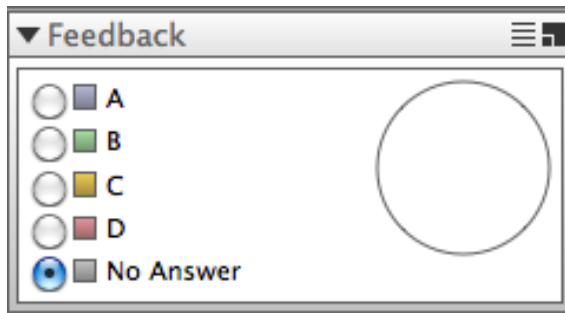
- Parent can apply as an “indirect victim” if:
  - The direct victim is a child under 21 years of age and/or is incompetent, incapacitated, or deceased due to murder or manslaughter
  - They demonstrate helpfulness
- When the victim is a child, the helpfulness requirement can be met by a family member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

# Poll: True or False?

- Child protective services agencies are required to issue U visa certifications under Maryland law?

A. True

B. False



# Who Can Certify?

## *Maryland Law Requires Agencies in Italics to Certify* Criminal Procedure § 11-930

- *Federal, state, and local*
  - *Law enforcement*
  - *Prosecutors*
  - *Judges, magistrates, commissioners, and other judicial officials*
- *Child and Elder Abuse agencies*
- *Departments of Labor (DOL) and the Equal Employment Opportunity Commission (EEOC)*
- *Other government agencies with investigative authority*

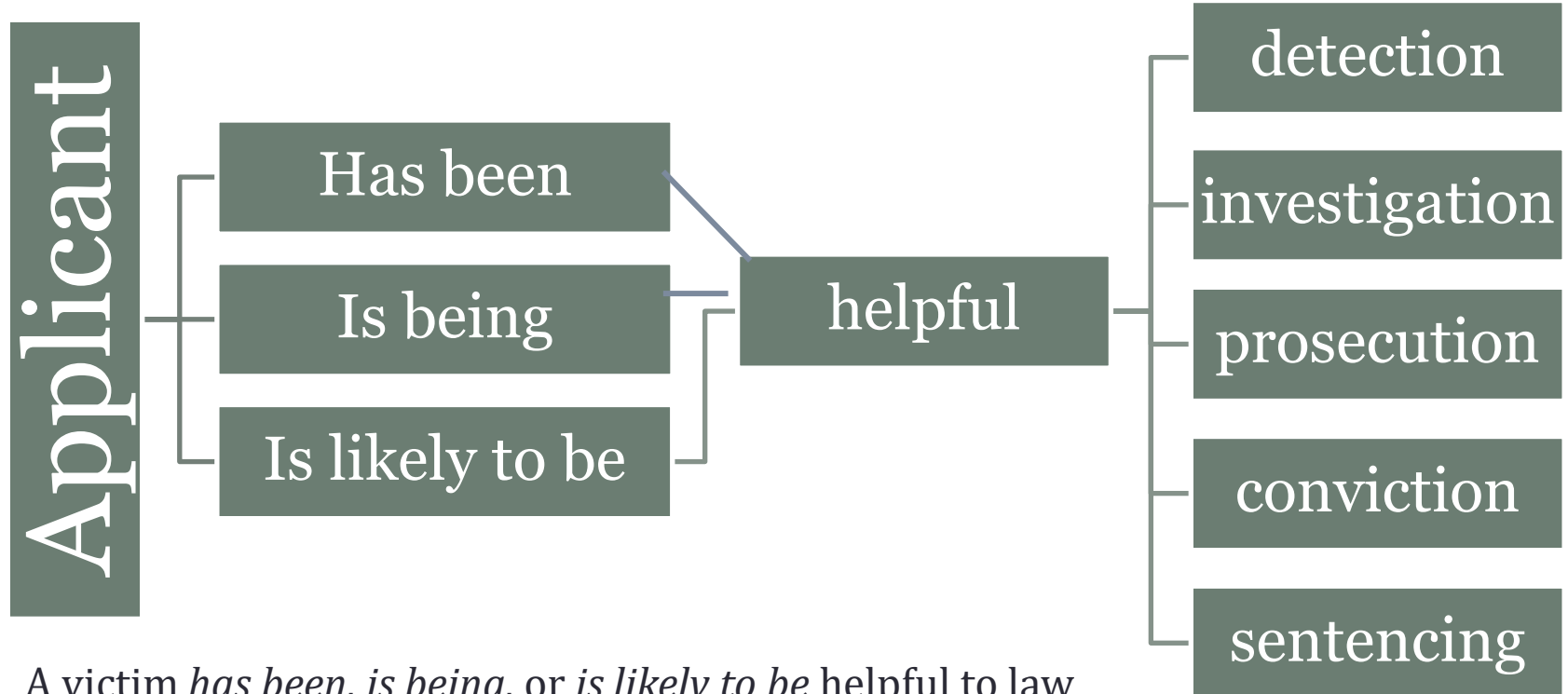
# Maryland U-visa Certification Law

Criminal Procedure §11-930 (Enacted April 22, 2025)

- Established time limit to respond: 45 days or 7 days (if in removal proceedings)
- Maryland statute adopts and follows federal guidelines
  - Authorize judicial certifications
- No statute of limitations
- NOT required: Current investigation, filing of charges, prosecution or conviction

# Definition of “Helpfulness”

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



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

# Maryland U-visa Certification Law

Criminal Procedure §11-930 (Enacted April 22, 2025)

- Determining helpfulness:
  - “an individual shall be considered helpful if, since the initiation of helpfulness, the individual has not unreasonably refused to cooperate or unreasonably failed to provide information and assistance reasonably requested by a certifying entity”
- Written explanation required if the evidence does not support issuance of certification.

# Maryland Adopts Federal Law Approach

Is the request  
reasonable?

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

8 C.F.R. 245.24(2)(2)(ii)

Is the refusal  
unreasonable?

8 C.F.R. 245.24(a)(5)

# 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 of the abuser
- Trauma suffered (both mental and physical)
- Force, fraud, or coercion
- Age, maturity, and capacity of the applicant
  - 8 C.F.R. 245.24(a)(5)
- Witness tampering

# Poll: Which persons CPS encounters should be screened for U visa eligibility? (Check all that apply)



- A. Unaccompanied children
- B. Children with DACA
- C. Student visa holder children
- D. Lawful permanent residents
- E. Parents of children CPS is working with
- F. Potential caregiver family members of children CPS encounters

# Child Welfare Agency Role - U Visas

- Early Screening *children, non-abusive parents, kinship placements* for immigration relief eligibility based victimization & for human trafficking/OTIP referrals
- CPS signs U visa certifications as required by Maryland law
  - Within MD required timeframes
  - Best practice – implement agency-wide CPS certification policy
- Refer/seek court appointment of lawyers with expertise on immigrant victim's rights -immigration, benefits, family laws
  - NIWAP Directory <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>
- Help with documentation of maltreatment for victim's immigration case
  - Includes seeking findings from state courts in CPS cases

## U Visa: Immigration Relief for Victims of Qualifying Criminal Activity

### Quick Reference Guide

The U visa offers immigration protection for victims of qualifying criminal activity *or any similar activity*. Qualifying criminal activities include domestic violence, human trafficking, and sexual assault.<sup>113</sup> The United States Citizenship and Immigration Service (USCIS) defines child and elder abuse as similar activities for which immigrant victims may also be eligible for a U visa. Solicitation, attempt, or conspiracy to commit a qualifying criminal activity is also a qualifying criminal activity for the purposes of U visa eligibility.

The U visa was created by the Violence Against Women Act of 2000 to strengthen the ability of law enforcement agencies to detect, investigate, prosecute criminal activity. By providing immigration relief to immigrant victims of qualifying criminal activity, the U visa encourages immigrant victims to report crimes committed against them and aid in investigations and prosecution of perpetrators.

#### Who is eligible

- **Immigrant adults and children** who have suffered qualifying criminal activity
- **Immigrant parents** whose U.S. citizen or immigrant child or stepchild has suffered qualifying criminal activity. The immigrant parent or stepparent of a child victim need not be abused themselves
  - Because immigrant parents may be eligible for a U visa if their child suffers qualifying criminal activity, CPS should continue screening **even if the child is a U.S. citizen**.

#### Who else can be included in the petition

- **Adult applicants (over the age of 21) can include:** their spouses and children
- **Child applicants (under the age of 21) can include:** their own children, their spouses, their parents, and their unmarried siblings under the age of 18

#### Eligibility Requirements

- Have been the victim of a qualifying criminal activity or other similar activity, **perpetrated in the United States** or one that violated the federal or state laws of the United States
- Possess information concerning such criminal activity
- Have been, are being, or are likely to be helpful in the detection, or investigation, or prosecution, or conviction, or sentencing of such activity
- Have **suffered substantial physical or mental abuse** as a result of being a victim of a listed criminal activity

**Is there a time limit within which victims must file:** No. Victims who meet the eligibility requirements can file at any time after the qualifying criminal activity occurs.

**Certification Required:** Yes. Applicants must provide a U visa certification (Form I-918B) signed by an authorized state or federal agency.

# T Visa For Victims of Human Trafficking

# 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
- **2026 time to work authorization = 6 months**
- *T visa declaration encouraged but not required*

# Severe Forms of Human Trafficking

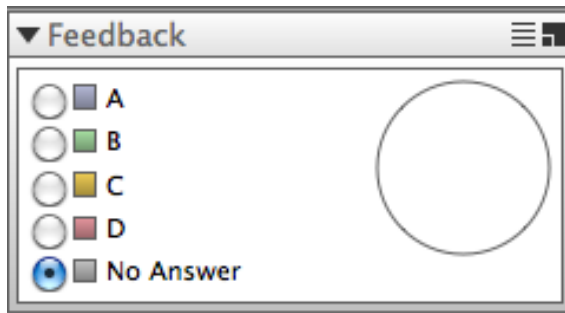
TVPA, 22 U.S.C. § 7102

| Act                                                                                                                                                                        | Means                                                                                                                                                               | Purpose                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Recruit</li><li>• Harbor</li><li>• Transport</li><li>• Provide</li><li>• Obtaining</li><li>• Patronize</li><li>• Solicit</li></ul> | <ul style="list-style-type: none"><li>• Force</li><li>• Fraud</li><li>• Coercion</li></ul> <div>Not required<br/>for minor<br/>victims of sex<br/>trafficking</div> | <ul style="list-style-type: none"><li>• Commercial Sex</li><li>• Forced labor</li><li>• Forced services</li><li>• Involuntary servitude</li><li>• Peonage</li><li>• Debt bondage</li><li>• Slavery</li></ul> |

*Note: There is no such thing as “attempted trafficking”. It is included in this definition.*

## Poll: True or False?

- DHS recognizes that human trafficking can co-occur with domestic violence and child abuse.
  - A. True
  - B. False



# Familial Trafficking

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

# T Visa Typical Scenarios

- Victims of Commercial Sexual Exploitation of Children (CSEC)
- When force, fraud, or coercion has been used against a child for the purpose of
  - Forced labor or services, involuntary servitude
  - Example: Child forced/coerced to work for family business, is not paid for labor and child or their parent would suffer physical harm/restraint or serious harm if the child failed to perform the labor
- A child trafficking victim under age 21 can include their parent and certain siblings
- A child's parent who has been a victim of sex or labor trafficking can include in a T visa their under 21-year-old child
- Child victims can file multiple applications and can switch to the T visa once human trafficking is identified

# Child Welfare Agency Role - T Visas

- Early Screening *children, non-abusive parents, kinship placements* for immigration relief eligibility based victimization & for human trafficking/OTIP referrals
- CPS:
  - *Signs T visa declarations early*
  - *Has U and T visa certification policy*
  - *Completes OTIP requests for assistance*
  - *Develops relationships with federal agencies who can request continued presence*
  - *Provides documentation of maltreatment*
- Refer/seek court appointment of lawyers with expertise on immigrant victim's rights - immigration, benefits, family laws
  - NIWAP Directory <https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>



# Special Immigrant Juvenile Status (SIJS)

- Immigration legal remedy for unmarried children
- Under the age of 21 in Maryland
- Victims of abuse, abandonment, neglect, or dependency **by at least one parent**
- To apply must submit the required judicial determinations with findings from a state court with jurisdiction over
  - the care, custody, or dependency of the child
- Court order provides evidence does not grant immigration status
- *2025 time to work authorization 6 months*

# SIJS Judicial Determinations Can Be Issued When State Court Judge Awards Custody

- Child is dependent on a juvenile court or **legally committed *to or placed under the custody of*** an agency or department of State, or ***an individual*** or entity appointed by a State court.
- **Child's best interest** would not be served by being returned to his or her country of origin.
  - E.g. When placement in child's best interests is in California
- **Reunification** with one or both parents **is not viable due to** abuse, neglect, abandonment, or a similar basis under state law
  - Viability ≠ no contact
  - How long? Through SIJS adjudication; Reunification with abusive parent leads to SIJS revocation

# Poll: In which types of cases can a judge issue SIJS judicial determinations? (Check all that apply)



- A. Dependency
- B. Criminal prosecution of child abuser
- C. Civil protection order
- D. Custody/Divorce
- E. Delinquency
- F. Adoption/TPR

# In What Types of Case Scenarios Could A Child Obtain SIJS Court Orders?

- Care, Custody, and/or placement by a judge
  - Dependency/Delinquency cases
  - Civil protection order cases
  - Custody cases
  - Divorce cases
  - Paternity and child support cases
  - Adoption cases
  - Includes all state court cases in which CPS appears
- DHS states: All are of the above = *Juvenile courts*
  - Juveniles = all children
- SIJS Bench Book has chapters on each case type  
<https://niwaplibrary.wcl.american.edu/sijs-manual-table-of-contents>

# Child Welfare Agency Role - SIJS

- Screen early for immigration relief eligibility based on parent perpetrated abuse, abandonment, neglect or similar maltreatment – so that the child does not age out
  - Do not disqualify children living with non-abusive parent
  - Screen for human trafficking/OTIP requests for assistance
- CPS Best Practices:
  - *Request judicial determinations from state courts for SIJS eligible children in all cases that involve CPS staff or attorneys*
  - *Ask court to appoint immigration counsel for the child*
    - NIWAP Directory  
<https://niwaplibrary.wcl.american.edu/home/directory-programs-serving-immigrant-victims/>



# **Access to Benefits and Services Grows as Children and Victims Pursue Immigration Relief**



# Open to All Immigrant Victims of Crime/Abuse/Neglect Including Children

- Legal Services
- Family Court (Divorce, custody, economic relief, protection orders)
- Interpreters/Translators
- Police Assistance
- Perpetrators Can Be Criminally Prosecuted
- Public Benefits for Their Eligible Children
- SANE Exams
- VOCA
- Assistance for Crime Victims
- Shelter/Transitional Housing
- WIC/school lunch & breakfast
- Primary/Secondary education/Headstart/GEDs
- Immunizations, testing, treatment communicable diseases
- Emergency medical care
- Healthcare from federally qualified health centers

# 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
- Help during adverse weather conditions
- Soup kitchens
- Community food banks
- Shelter & transitional housing assistance

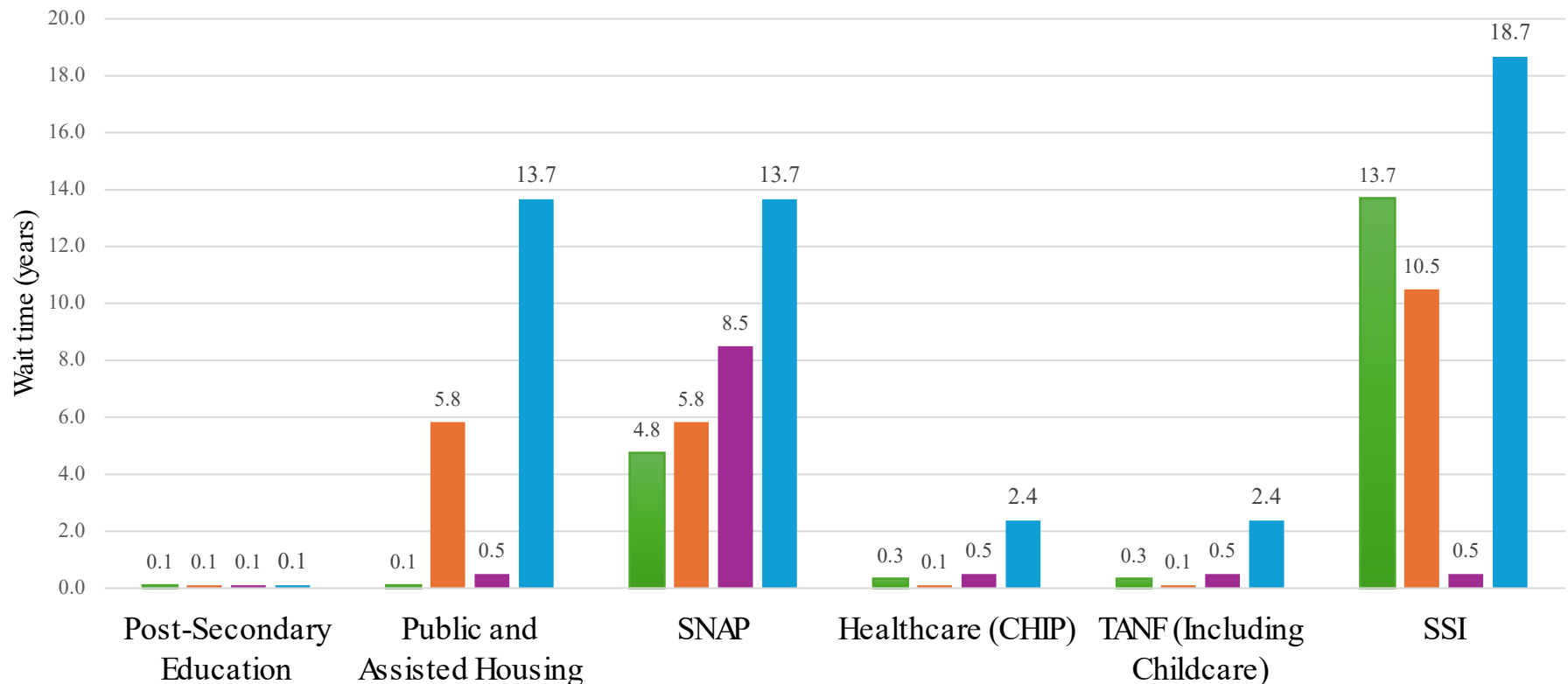


8 U.S.C. Section  
1611(b)(1)(D)

# Public Benefits Eligibility Immigrant Children-MD

## Public Benefits for Immigrant Child Survivors in Maryland

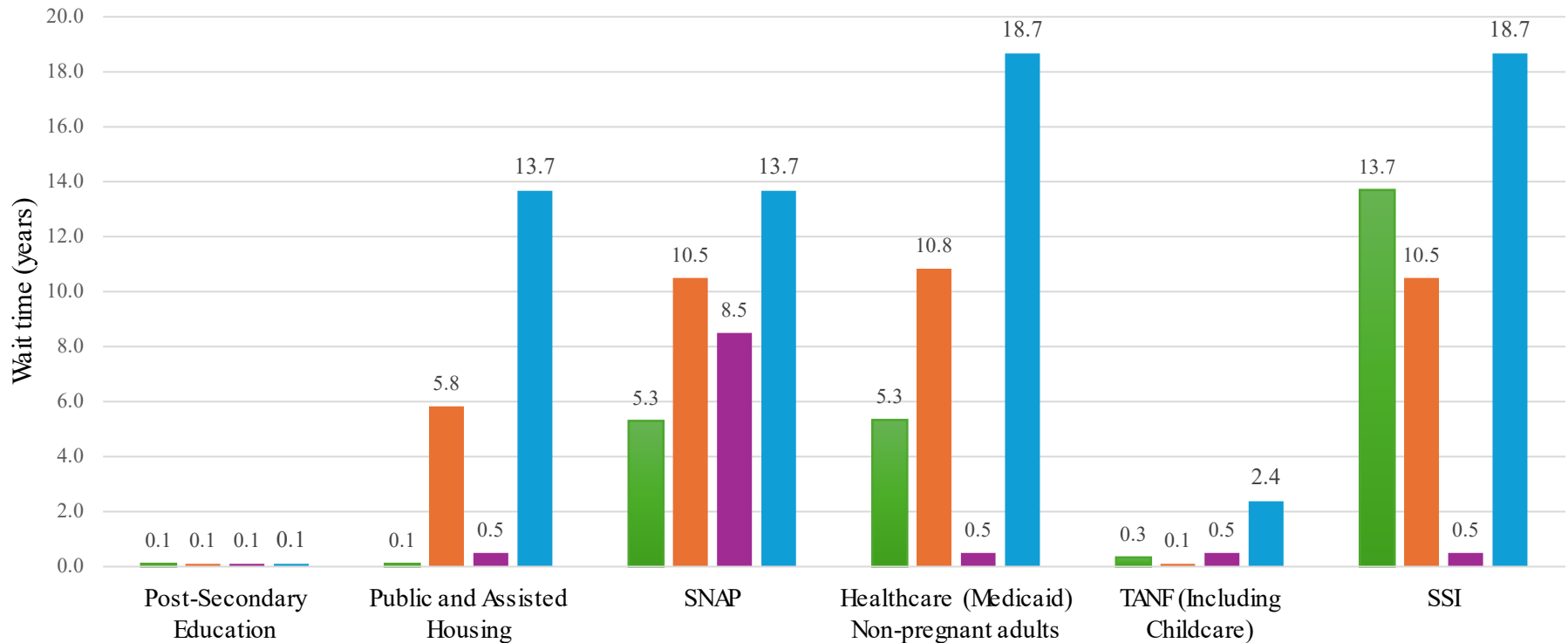
■ VAWA ■ SIJS ■ T-visa ■ U-Visa



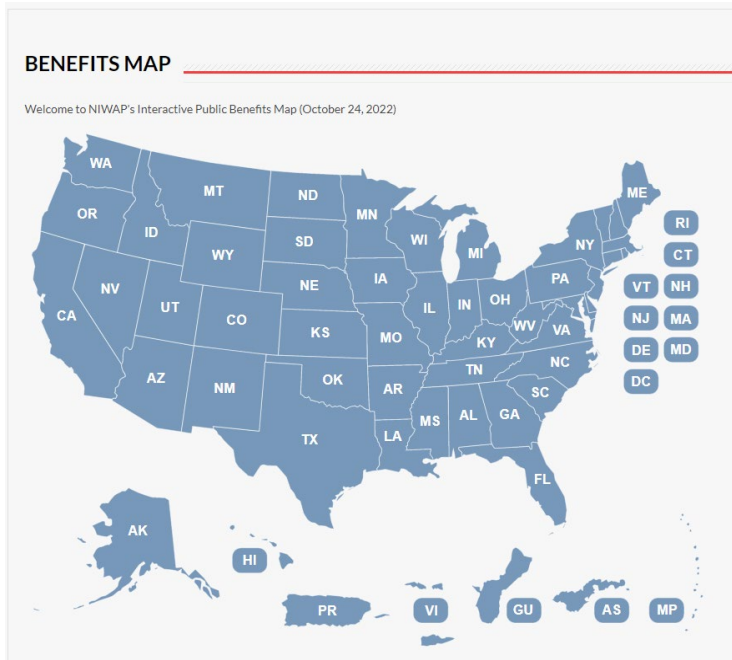
# Public Benefits Eligibility Immigrant Adult Survivors - MD

Public Benefits for Immigrant Adult Survivors in Maryland

■ VAWA ■ SIJS-As Adults ■ T-visa ■ U-Visa



# State-By-State Public Benefits Maps, Charts, and Tables With Citations



# 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

# Questions and Answers



## **Lunch and Learn Session**

### **Thank you**



Post-session survey

# Training Materials & Technical Assistance

- Power Point presentations and materials for this training at:

<https://niwaplibrary.wcl.american.edu/DHS2026MD/>

- **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)

