AMERICAN UNIVERSITY
WASHINGTON COLLEGE of LAW
WASHINGTON, DC

NIWAP

# Timely Tools – Part II: Promoting Immigrant Survivor's Access to Benefits, Health Care, and Protection Orders in Kentucky

Kentucky Association of Sexual Assault Programs

February 26, 2026

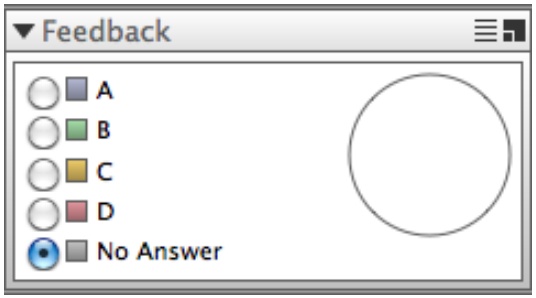
# Faculty



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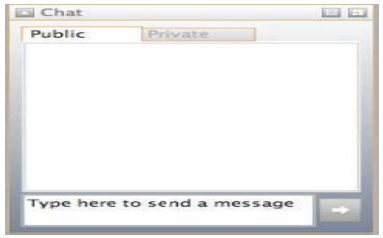
# Poll 1: Who has joined us today?

Answer on the left




A. Sexual Assault or Domestic Violence Coalition Staff
B. Victim Advocate
C. Therapist
D. Healthcare/Forensic Nurse
E. Other

Other write in chat box →



# Learning Objectives

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

- Identify human trafficking co-occurring with domestic and sexual violence which enhances safety for immigrant survivors through swifter access to immigration and benefits protections;
- Use NIWAP's public benefits map to ensure that immigrant survivors and their children apply for and receive benefits and services; and
- Assist immigrant survivors seeking creative remedies in civil protection order cases.

# Join a NIWAP Community of Practice

- Family Law Attorneys COP
- Victim Advocates COP
- Roundtable for Law Enforcement, Prosecutors and System-based Advocates
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only)



# Technical Assistance Topics

- Legal immigration remedies
  - VAWA, U and T visas, Battered Spouse Waiver, Special Immigrant Juvenile Status, and Naturalization for Survivors
- U and T visa certification by government officials
- VAWA Confidentiality
- Issues that arise for immigrant survivors in family court cases
  - Including protection orders, custody, divorce, support
- Qualified immigrants and public benefits, services, and legal assistance
  - E.g. housing, healthcare, driver's licenses, food assistance, education
- Interpreters and translators best practices
- Prosecution strategies
  - Discovery, Victim Disclosures, and Expert Witness
- Providing trauma informed assistance to immigrant survivors

# Highlights From Part I: VAWA Confidentiality Three Prongs

## Non- Disclosure

- Protects victims who have filed a protected case with DHS

## Abuser-Provided Information Prohibition

- Includes family members of abusers, crime perpetrators and their agents
- Protects:
  - *All victims abused by a spouse or parent
  - *All victims in the process of applying for U or T visas
  - *Abused spouses of visa holders with VAWA work authorization filed

## 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

# For most other victims filing a VAWA, T or U visa case is generally --

- More protective than not
- Timing is important
- Must file well documented cases
  - Victim advocates can play an important role
  - NIWAP has trauma informed tools
- Particularly protective for victims who make police reports, work with law enforcement, and prosecutors

# Highlights From Part I: New Tools

- Letters that advocates and attorneys can provide to victims
- Letters for law enforcement and prosecutors and their agency staff to provide to victims
- Letters that advocates and attorneys at protected locations can provide should they encounter ICE



# Legal Immigration Remedies for Victims of Human Trafficking Co-Occurring With Sexual Assault and/or Domestic Violence

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# Poll: Which of the following forms of victim based immigration relief could a sex trafficked victim qualify for?

(Check all that apply)



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

# Legal Immigration Remedies For Human Trafficking Victims

- U Visa
  - Includes human trafficking as a U visa criminal activity
- T Visa
  - For victims of sex or labor trafficking
  - Both children and adult victims
- VAWA self-petition
  - When the perpetrator is a US citizen or lawful permanent resident spouse, former spouse, parent or stepparent
- Special Immigrant Juvenile Status (SIJS)
  - When the perpetrator/trafficker is one of the child's natural or adopted parents

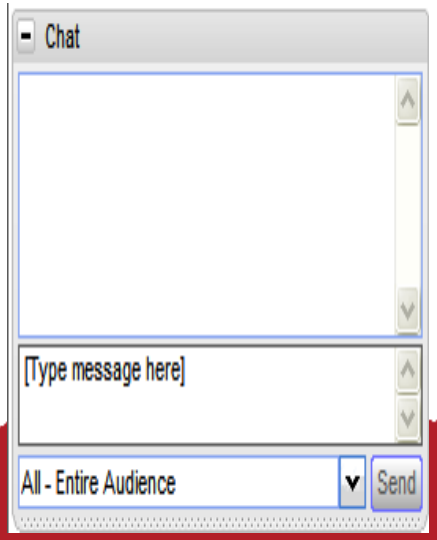
# Immigration Relief Available for Immigrant Victims of ---

- 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**

# Answer in the Chat

Describe examples from your cases of context in which the sex trafficking occurred?



# T Visa Requirements

- Applicant is a victim of a severe form of human trafficking
  - Refers to the federal definition of human trafficking
- Applicant is in the U.S. because of trafficking
  - Not necessary that the victim came to the U.S. because of trafficking; can be in the U.S. for the investigation
- Responds to "reasonable request for collaboration"
  - Children under 18 when trafficked exempt
  - Physical or psychological trauma exception
- Extreme hardship involving unusual and severe harm if removed from the U.S.
- Admissible to the U.S. or granted waiver

# Sex Trafficking – Includes Attempted Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1591

| Process -Act | Means | Purpose-End |
|---|---|---|
| • Recruits<br>• Entices<br>• Harbors<br>• Transports<br>• Provides<br>• Obtains<br>• Advertises<br>• Maintains<br>• Patronizes<br>• Solicits<br>• Benefits, financially or by receiving anything of value | • **Force**<br>• **Fraud**<br>• **Coercion**<br><br>• **Proof of force, fraud, or coercion not required for sex trafficked children under 18.** | • **Commercial Sexual Activity**<br><br>• **A commercial sex act is any sexual act for which anything of value is given or received**<br>  • Money<br>  • Drugs<br>  • Food<br>  • Shelter<br>  • Clothing<br>  • Transportation |

# Labor Trafficking – Includes Attempted Trafficking

22 U.S.C. § 7102; 18 U.S.C. § 1590

| Process-Act | Means | Purpose-End |
| --- | --- | --- |
| • Recruits<br>• Harbors<br>• Transports<br>• Provides<br>• Obtains<br>• Benefits, financially or by receiving anything of value | • Force<br>• Restraint<br>• Threats of harm<br>• Abuse or threatened abuse of the legal system<br>• Any scheme, plan, or pattern intended to cause the person to believe that if they did not perform labor, they would suffer serious harm or restraint<br>• **No federal exception for minors** | • Involuntary servitude<br>• Peonage<br>• Debt Bondage<br>• Slavery |

# Coercion

## 22 U.S.C. § 7102(3)

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

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

The abuse or threatened abuse of the legal process.

# Serious Harm
## 22 U.S.C. 7102(3)

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

# Totality of the Circumstances

## Serious Harm

- Physical or nonphysical
- Psychological
- Financial
- Reputational

## Circumstances

- The surrounding circumstances

## Victim

- Same background
- In the same circumstances

# Were Requests Reasonable - Factors

- Consistent with law enforcement or prosecution general practices
- Nature of victimization
- Specific circumstances of the victim
- Victim's capacity, competency, lack thereof
- Physical and mental trauma suffered and whether the request will cause trauma
- Access to support services
- Safety of victim and family members
- Cultural, religious, moral objections
- Age, health and maturity of the victim
- Extent of compliance with previous requests
- Amount of time given for the victim to comply
- Is information essential and could it be obtained another way
- Was a qualified interpreter used to make the request

# Includes "Attempted Trafficking"

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

81 Fed. Reg. 92271

# Human Trafficking Sex And/or Labor Occurring Within Families

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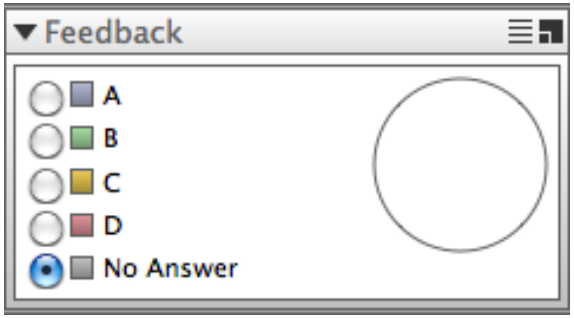
# Familial Trafficking

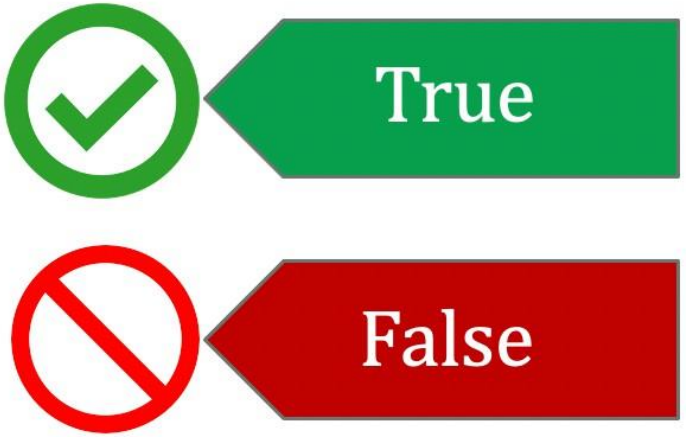
- 2 in 5 trafficking cases reported annually to federal trafficking taskforces involve child sex trafficking
- Over 62.7% of sex trafficked children their trafficker is a family member
  - Parent, grandparent, aunt, uncle, cousin, sibling
  - With 45.8% parent or guardian
- 65% of sex trafficked children 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

# Poll 5: True or False?

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



# DHS Recognizes Labor Trafficking Occurs Within Families

- Involuntary servitude
  - Induced by means of any scheme, plan, or pattern
  - Intended to cause a person to believe or to fear that
    - If the person did not enter into or continue in such condition or undertake the forced work
    - That person or another person would *Suffer serious harm,*
    - physical injury, physical restraint, or legal coercion.
- A condition of servitude induced by the abuse or threatened abuse of the law or legal process.
- 8 C.F.R. § 214.201

# Poll: What would involuntary servitude look like in families?



A. Constant availability to labor regardless of health or energy
B. Lack of control over victim's own wages for labor preformed for trafficker
C. Impose unequal living arrangements controlling access to food, sleep
D. Victim's life fulfills trafficker's orders

# Involuntary Servitude in a Domestic Violence Relationship

- Abuser/Trafficker controls victim's liberty creating conditions of servitude
- Expectation that the victim's life fulfills the trafficker's orders
  - E.g., demand from the trafficker to perform domestic labor at an unreasonable level, including unreasonable working hours, and/or constant availability to labor regardless of health or energy;
- Lack of control over the victim's own wages (or not paid) despite laboring under the trafficker's demands; or
- The imposition of unequal living arrangements as part of a campaign of force, fraud, and coercion
  - E.g., unequal sleeping arrangements, living arrangements, or access to nourishment.

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

# Predatory Helpfulness Screener

## 12 Question Predatory Helpfulness Screener

***These are guiding questions that should be reframed to best fit yours and your client's relationship***

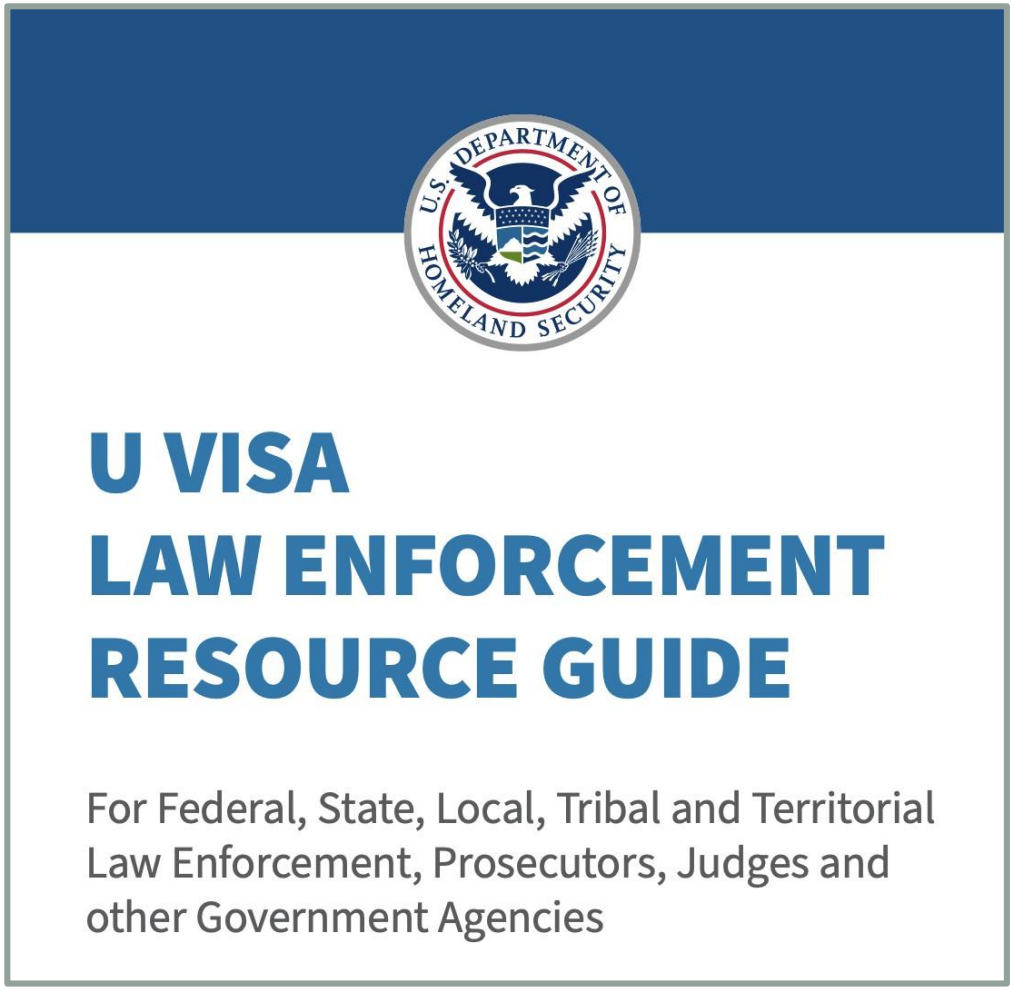
(1) How old were you when you met them? (Indicate if client was a minor)
(2) How old were they? (Indicate if trafficker was a minor)
(3) Please tell me about what was going on in your life at the time you met your trafficker/boyfriend/name?
(4) Were there things that you felt were not going well at that time in your life? Can you describe what you felt would improve your situation at the time, if anything?
(5) How did you meet?
(6) What can you tell me about how [NAME] acted when you first met? Did they do anything to help improve your situation during that time in your life?
  (a) Love Bombing: Was it romantic? Can you recall if [NAME] did any of the following? *(E.g., shower you with affection and gifts, tell you that you were special/unique/beautiful, wanted to be with you forever)*
  (b) Financial Housing: Did they offer to help you financially/offer a place to stay?
  (c) Business Relationship/Emotional Support: Did [NAME] offer you a business opportunity or emotional support?
  (d) Drugs: Did they introduce you to drugs/offer you drugs/buy drugs through them?
(7) Did they make any promises to you that were unfulfilled? *Example: a place to live, gifts, marriage, Etc.*
(8) Did they give you any reason why those promises were unfulfilled?
(9) Can you recall/share the first instance they ask you to sell sex for money? Can you tell me what they did or said to influence your decision? *(Examples: demanded/threatened, said it would only be once/a favor, said you owed them, created a disconnected)*
(10) How did you feel when they asked you? Were you shocked/surprised/didn't expect it?
(11) Did you feel like you had a choice? Why or why not?
(12) Can you identify if you experienced any of the following pressures?
  (a) Forced physically or Threatened (Physical Force)
  (b) Thought I owed them (Debt/Sex for Payback)
  (c) Felt pressured/confused/wanted to make them happy (Localized Coercive Control)

# Advocates and Attorney's Role In U and T Visa Certification

- Develop relationships with law enforcement and prosecutors that support certifications
- Help victims obtain civil protection orders and U/T visa certifications from courts
- Understand what certification is and is not
- Connect certifiers with training toolkits, resources, technical assistance on certification

# U Visa Certification

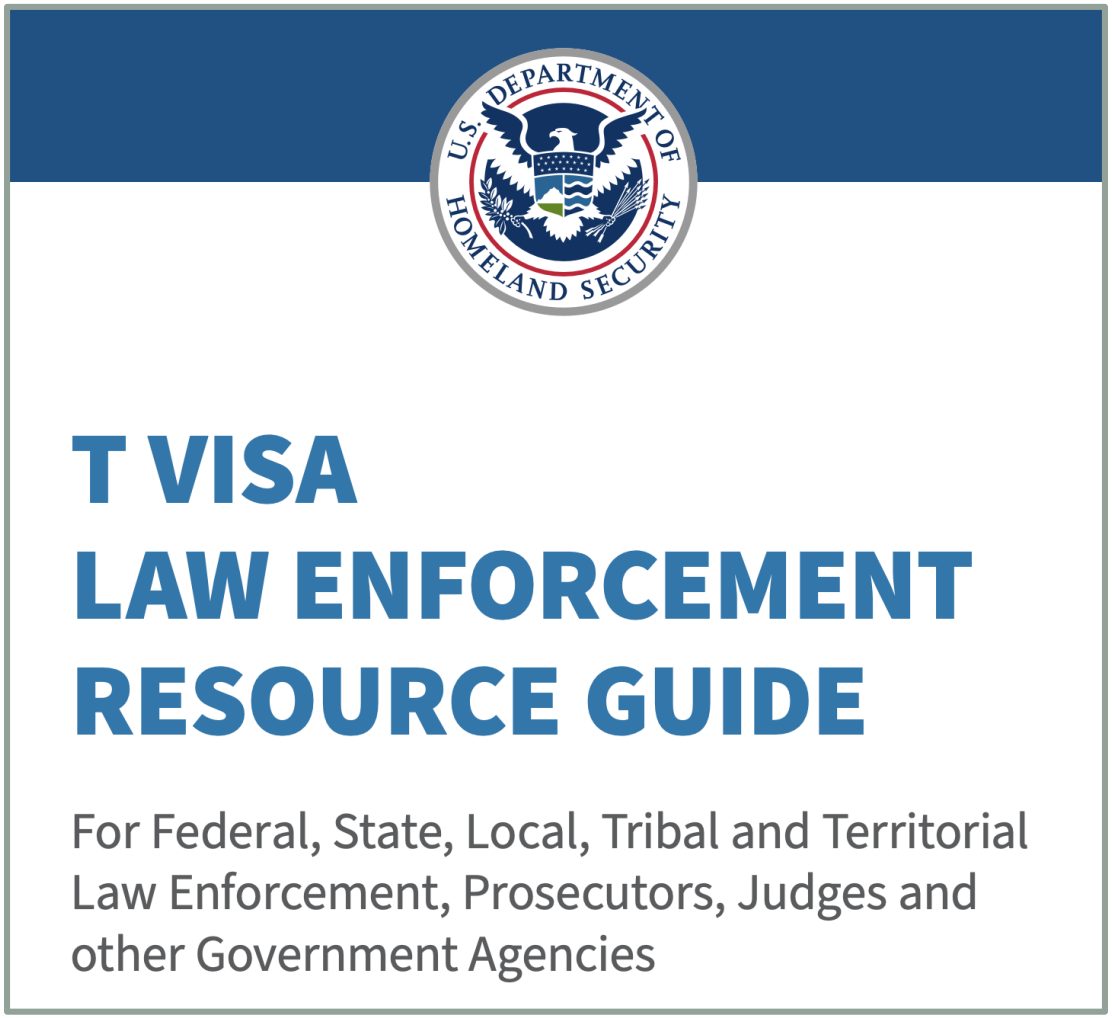
- Victim must submit signed certification to apply for a U Visa.
- Certifier has reason to believe that the U visa applicant is a
  - Is a victim of one or more U visa listed or similar criminal activities
  - The criminal activity occurred in the U.S.
  - Has provided or is providing helpfulness to law enforcement, prosecutors, a judge, or other government agency that can certify in detection, investigation, prosecution, conviction, OR sentencing
- Certification is just one part of the overall process.
  - Gatekeeping function
  - Signing does not confer visa or citizenship




*U Visa Law Enforcement Resource Guide*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES, https://www.uscis.gov/sites/default/files/document/guides/U_Visa_Law_Enforcement_Resource_Guide.pdf.

# T Visa Declaration

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




https://www.uscis.gov/sites/default/files/document/guides/T-Visa-Law-Enforcement-Resource-Guide.pdf

# U Visa and T Visa Declaration ToolKits

- Please scan the QR code to access the webpage
- This webpage includes Toolkits for
  - Law Enforcement Agencies and Prosecutors
  - Federal, State, and Local Judges
  - Child Protective Services Agencies
  - Adult Protective Services Agencies



# Continued Presence (CP)

- Temporary immigration status (2 years) provided to victims of trafficking who are "sponsored" by federal law enforcement
- Law enforcement initiates application immediately after identifying victim; cooperation is not required
- Upon approval, Dept. of Health and Human Services issues letter that allows victim to:
  - Access federal and state benefits
  - Receive work authorization
- Not long-term immigration relief must file T visa

# Federal Agencies That Can File Continued Present Requests

- Department of Homeland Security
  - Local HSI Victim Assistance Coordinator (VAC) or Victim Assistance Specialist (VAS)
- Federal Bureau of Investigations (FBI);
- U.S. Department of State Diplomatic Security Service (DSS);
  - U.S. Attorneys' Offices;
- U.S. Department of Justice (DOJ)
  - U.S. Attorneys' Offices, Civil Rights Division, Criminal Section;
- U.S. Marshals Service;
- U.S. Department of Labor (DOL);
- Equal Employment Opportunity Commission (EEOC).




https://www.ice.gov/doclib/human-trafficking/ccht/continuedPresenceToolkit.pdf

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

- Reviews Requests For Assistance (RFAs) and connects potential human trafficking victims with state and federal public benefits and services
  - Issues Child Eligibility Letters to foreign national children which provide access to benefits, case management, and services = same as refugees - No DHS application required- may have (CP)
  - Issues Certification Letters to foreign national adults with
    - T visa bona fide determinations or Continued Presence (CP)
- Both letters provide access to state and federal public benefits for human trafficking victims
- Must be accepted by Federal and State agencies

# HHS Child Eligibility Letters

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

# What Child Eligibility Letters Provide

- Eligibility letters give child trafficking victims access to benefits, case management, and services to the same extent as refugees
  - Access to benefits throughout the time the child is applying for continued presence, T visa, or U visa
  - Duration – continues indefinitely

# Child Eligibility Benefits

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

# Adult Certification Benefits

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

# Access to Benefits and Services Grows as Children and Victims Pursue Immigration Relief
# Clara and Eduardo Hypothetical



# 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 help is available to Clara, Miguel and Lupe meet basic needs?

# 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)

# What help is available for victims of sexual assault?

# Medical Forensic Exams (MFEs) and VAWA Coverage

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

# Exam Payment for Immigrant Crime Victims

Immigration status is irrelevant for exam payment. Immigrant survivors of sexual assault must not be charged any out-of-pocket expenses related to the Medical Forensic Exam.

# Large Group Discussion

What costs are not covered that may be associated with the Medical Forensic Exam in Kentucky?

# Beyond the MFE : How Are These Costs Addressed Kentucky

- STI testing
- Post-Exposure Prophylaxis (PEP) (beyond the first dose)
- Emergency contraception
- Oral or injected medications (e.g. antibiotics)
- X-rays, CT, MRI,
- Injury-related services (e.g. stiches)
- Specialty consultations (during MFE or follow-up)
- Mental health treatment

# Health Care Open to All Immigrants

- Community and migrant health clinics
  - www.nachc.com
  - www.hrsa.gov
  - Enter zip code




- Post-assault health care paid by VOCA
- Immunizations, testing, and treatment of communicable diseases
- Emergency Medicaid

# Post Assault Follow-Up Care Provided By Federally Qualified Health Centers

- Diagnostic, laboratory and radiological services
- Post-assault health care
  - PEP, STI testing, medications, injury treatment
- Emergency medical and dental services
- Prenatal care
- Immunizations
- Pharmaceutical services
- Mental health treatment
- Substance abuse services
- Child wellness services

# What if Lupe and Miguel have special educational needs due to trauma or if Miguel wants to go to college?

# Education – Miguel, Lupe, and Clara

- Elementary and secondary education including Individualized Education Programs (IEPs)
  - Same rules apply for all children no restrictions
- Federal post-secondary educational grants and loans
  - Eligible – VAWAs (3 mos); Ts (6 mos), CP, OTIP, and lawful permanent residents (LPRs) (SIJS 5.8 yrs, U visa 13.7 years)
- In-state tuition Kentucky
  - Kentucky grants in-state tuition and institutional aid or scholarships to eligible Kentucky residents of who graduated from a high school in the state.

Miguel and Lupe need eye exams, glasses, and regular health care check ups and when Clara was at the hospital she learned she was pregnant what are they eligible for in Kentucky?

# Healthcare For Children and Pregnant Persons in Kentucky

- Kentucky provides state-funded
  - CHIP for lawfully present children up to age 19
  - Health care for lawfully present pregnant persons including:
    - Prenatal care, full healthcare and up to 12 months post partum care
- Lawfully present immigrant survivors
  - SIJS upon filing, VAWAs (3 mos), T visas (5 mos), U visas (2.4 years)

# Lawfully Present Immigrants Can *Purchase* on Exchange Under Federal Law

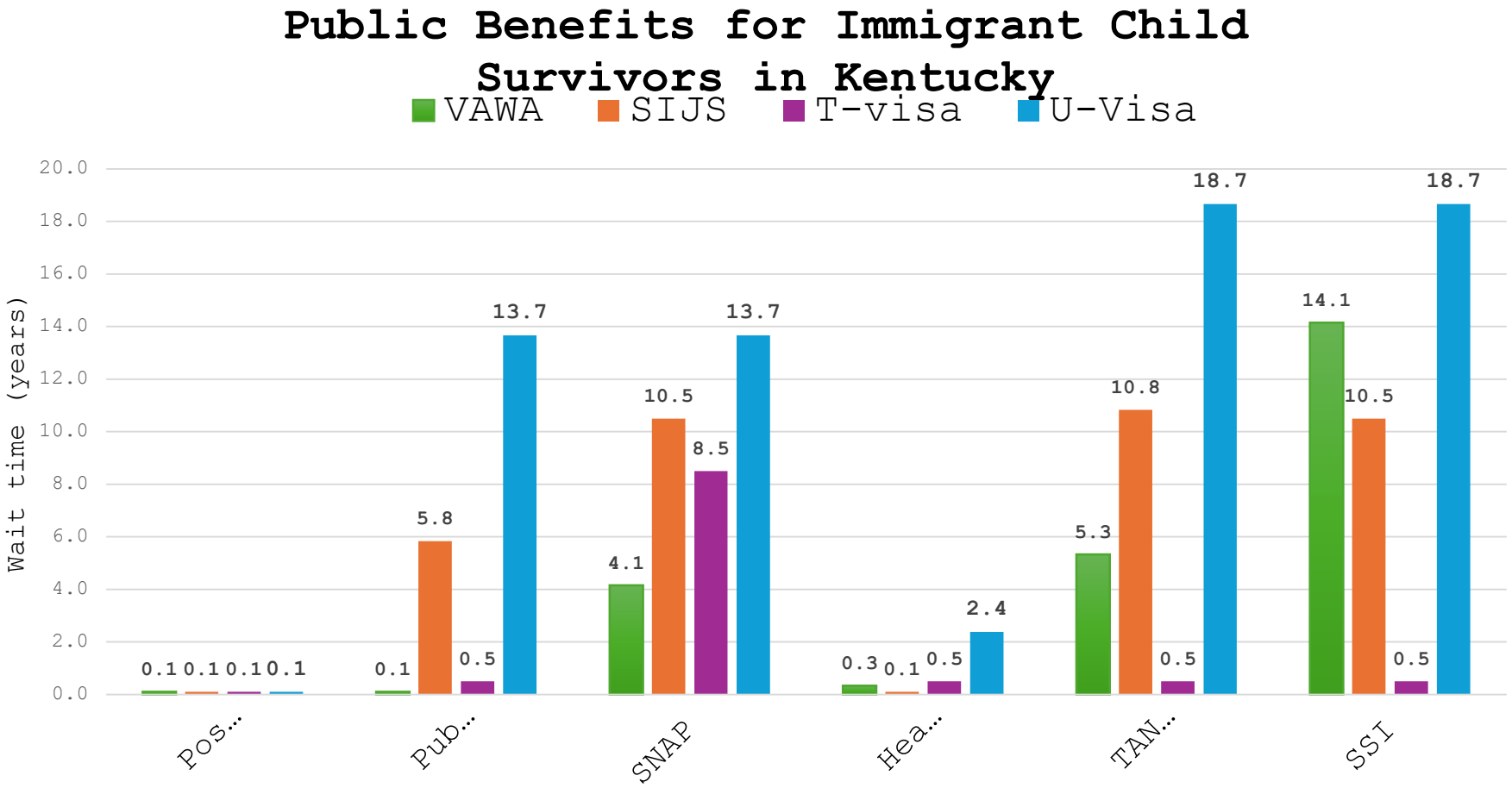
- Qualified immigrants
  - VAWAs, T visa bona fide, T visas, refugees, asylees, LPRs
- SIJS applicant children
- Visa holders who have not violated the terms of their visas
- Parolees, Temporary protected status
- Deferred action (Continued Presence, U visa bona fide; DACA)
- Immigrants with pending applications for lawful permanent residency
- Asylum/Convention Against Torture applicants with work authorization
- Full list: Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024) https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/

# Clara's Medicaid Eligibility As An Adult Immigrant Survivor If Not Pregnant?

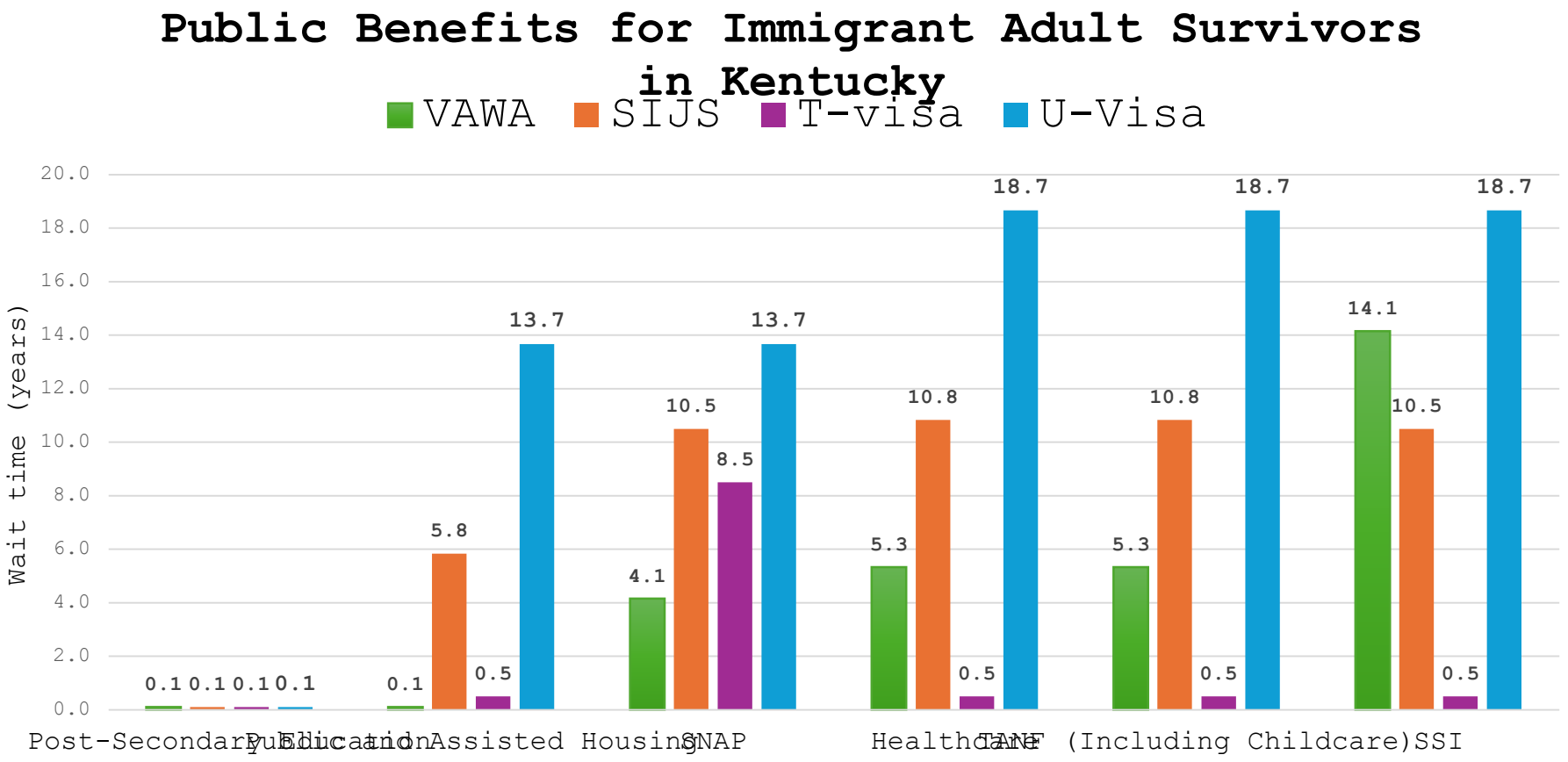
- **Adults Medicaid after 10/1/26:**
  - Eligible when granted lawful permanent residency & 5-year bar ends
    - T visa (5.5+ yrs) VAWAs (5.3 yrs); SIJS (10 yrs); U visa (18.7 yrs)
    - VAWAs and U visas if entered the US before 8/22/96 the wait to subsidized health care is 5 years less
- Prior to 10/1/26 qualified immigrants after completing the 5-year bar
  - **T visas (6 mos);** VAWA (5.3 yrs); SIJS (20 yrs); U visa (18.7 yrs)

# How might Clara's and the children's legal immigration options impact their housing, economic security, and access to food assistance?

# Public Benefits Eligibility Immigrant Child Survivors -KY



# Public Benefits Eligibility Immigrant Adult Survivors - KY



# Where can victim advocates, attorneys and other professionals look up what public benefits and services their immigrant survivor clients can access?

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



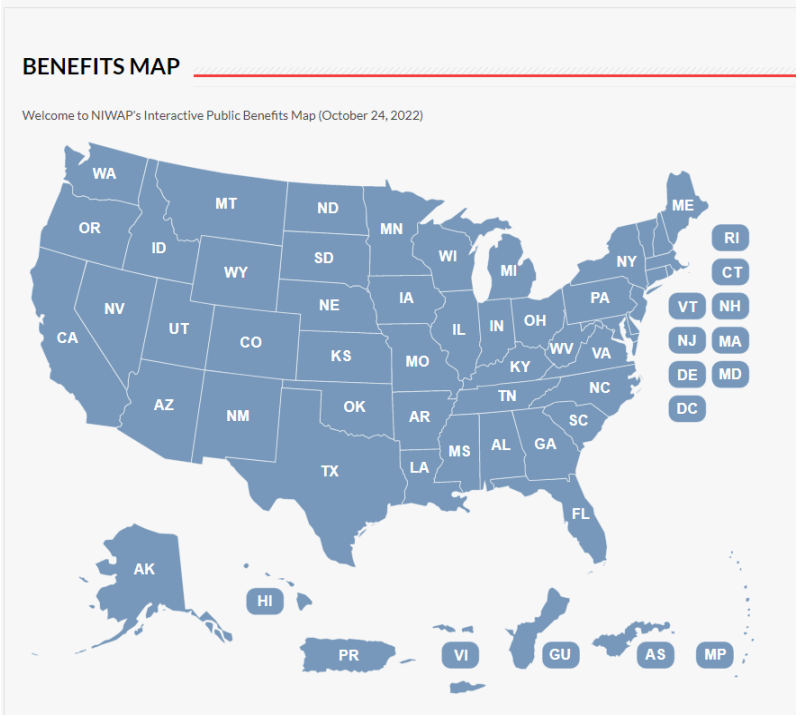
# Interactive Public Benefits Map State-By-State

Hide fields | Filter | Group | Sort | ...

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

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# Maps by Benefit

- Cash Assistance (TANF)
- Child Care
- Children's Health Insurance Program
- Driver's License, IDs, & Professional Licenses
- Earned Income Tax Credit
- Emergency & Transitional Housing & Safety Programs
- Emergency Medicaid
- Family Medical Leave
- Federal Education Benefits
- FEMA Assistance & Restricted Programs
- Food Stamps
- Health Insurance Exchanges
- Income Tax Credits
- Legal Services
- Medicaid
- Prenatal Care
- State Education Benefits
- Supplemental Security Income
- VOCA
- Weatherization & Energy Assistance
- WIC
- Unemployment Insurance

# PROTECTION ORDERS



# Immigrants and Protection Orders

- All persons are eligible to receive civil protection orders without regard to the immigration status of any party or child
- Protection order issuance = no effect on immigration status

# Protection Orders for Human Trafficking Victims - Kentucky

- No relationship with perpetrator required
  - Interpersonal Protective orders for victims of stalking and sexual assault
- Relationship required
  - Domestic violence protective orders
    - Perpetrator is a family member or a member of an unmarried couple
  - Interpersonal Protective Orders
    - Dating violence victims – dating relationship required

# Poll: Which the following are deportable offenses? (check all that apply)



A. Domestic violence criminal conviction
B. Finding in a custody case that a protection order was violated by further abuse of the victim
C. Criminal conviction for violating a protection order
D. Agreeing to diversion in a protection order enforcement case where upon violation diversion turns into a conviction

# Protection Orders and Immigration Considerations

- Violation of a protection order is a deportable offense
  - Can lead to loss of lawful permanent residency and other immigration consequences for the perpetrator
  - Victims should not consent to issuance of a protection order against them
  - Victims should not be charged with violation of orders issued for their own protection
  - Best Practice – Padilla advisals in all CPO cases

# Creative Protection Order Remedies

- Catch all provisions in civil protection order statutes, opportunity to offer relief designed to help:
  - Curb future abuse, harassment
  - Interfere with abuser/perpetrator's ability to exert power and/or coercive control
  - Offer victim remedy relief for past abuse
  - Help victim overcome victimization and build new post-abuse life
- Nexus with victimization
- Opportunity for courts to counter immigration-related abuse and order culturally helpful remedies

# Victims Who Stay: No Unlawful Contact Protection Orders

- No state's protection order statute requires separation of the parties
- Provisions:
  - No abuse
  - No unlawful contact
  - Batterer's treatment

# Use Creative Remedies to…

- Stop immigration related abuse
- Protect victims still living with their abusers
- Obtain documents the victim needs for an immigration case or for care of child
- Deter parental kidnapping
- Child/Spousal support/economic relief
- Enforce Affidavits of Support
- Maintain victim's health insurance

# Stopping Immigration Related Abuse

- Defendant must obtain prior court approval before contacting any government agency (immigration officials, CPS, IRS, Welfare, etc.) concerning the petitioner except
  - Police emergency
  - Subpoena
- Cooperate in and not withdraw any case he has filed for petitioner with immigration authorities (e.g. work visa holders, I-130s)
- Abuser ordered to sign FOIA form to obtain information from the abuser's or victim's immigration case file

# Helpful Evidence

## Evidence of Legal Marriage

- Marriage certificate
- Wedding/family pictures
- Health insurance

## Good Faith Marriage

- Children birth certificates
- Love letters, cards, text, emails
- Copies of joint leases/utility bills
- School records
- Letters and other mail addressed to the victim and to the abuser at the same address

## Evidence of Abuse or Extreme Cruelty

- Police, medical, court documents about the relationship
- Protection order
- Affidavits of neighbors, relatives, friends

## Evidence of Abusers Legal Status

- Abuser's green card or passport
- Copy of I-130 petition
- Social security number

# Provisions that Deter Parental Kidnapping

- Not remove the children from the court's jurisdiction
- Turn over passports of parties and/or children
- Sign statement that no visa or passport should be issued to children absent court order
- Supervised visitation

# Economic Relief

- Child support
- Spousal support
- Enforce Affidavit of Support
- Rent/Mortgage
- Pay for relocation
- Payment of Medical bills
- Household maintenance
  - Utilities, home insurance
- Maintain spouse & children on health insurance
- Pay for Repairs/replacement
  - Car, tires, windows, locks, cell phones, passports, identification cards, important documents
- Payment of
  - Credit card debt
  - Children's sports, travel, music lessons, religious school expenses
- Shall not dissipate assets

# Tax Related Remedies

- Turn over income tax statements
- Respondent ordered to pay victim ½ of refund
- Victim named trustee for receipt of tax return funds
- Respondent ordered to sign over check
- Victim awarded exclusive right to claim children as tax exemptions

# Questions and Answers

# Technical Assistance, Materials, Evaluation

- Please complete this evaluation





- Power Point presentations and materials for this training at: https://niwaplibrary.wcl.american.edu/kasap-webinar-series-immigrant-survivors-2026/
- **NIWAP Technical Assistance**
  - Call (202) 274-4457
  - E-mail info@niwap.org
- Web Library: www.niwaplibrary.wcl.american.edu