



How Building Upon Our Advocacy Roots Expands the Help Immigrant Survivors Receive Today

Thursday, September 4, 2025

11:00 am - 12:30 pm Pacific Time (US)

WELCOME

We'll begin shortly.

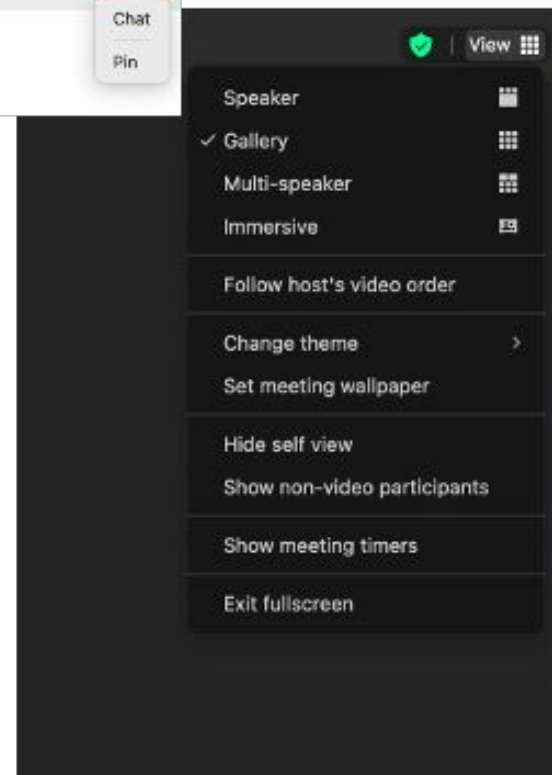
While you are waiting, please mute your sound.

If you are open to sharing:

Name, Organization, and What area you are
joining us from

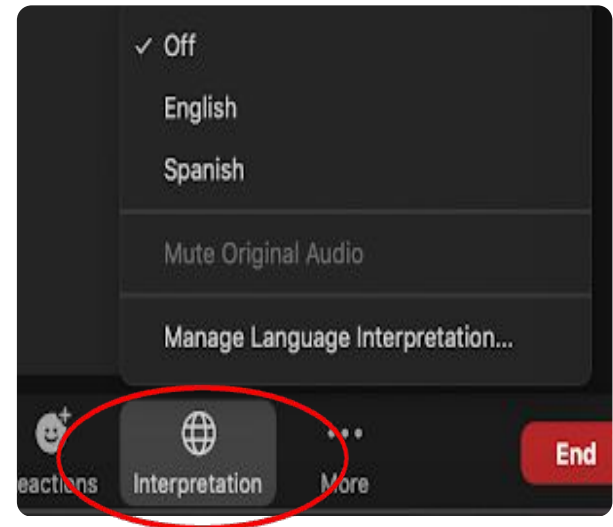
ASL Interpretation

- We have ASL Interpreters joining us today.
- Interpreters are spotlit.
- You can control your view by selecting "View" on the upper right of your screen.
- Pin speakers and interpreters by hovering over their name in the participants window, selecting "More," then "Pin."
- If you would like to ask a question in ASL, please use the "Raise Hand" feature and wait to be spotlit.



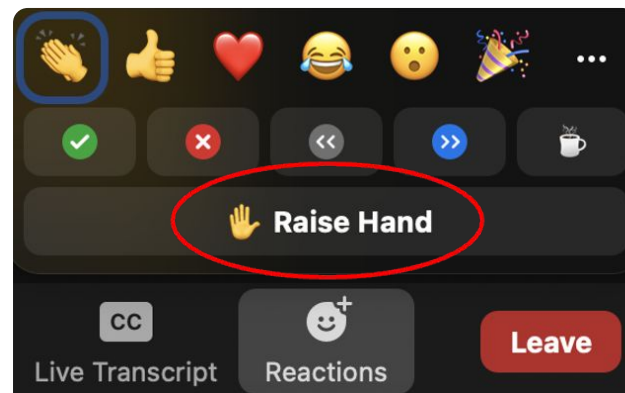
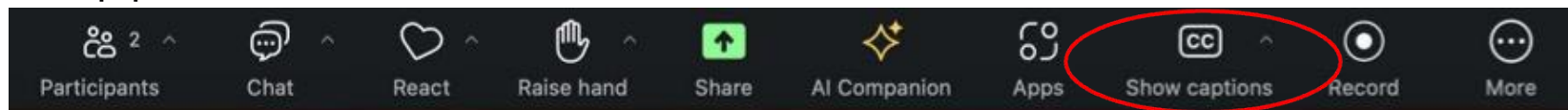
Spanish Interpretation

- This web conference is offered in English with live Spanish interpretation.
- Click on the Interpretation Globe icon in your Zoom toolbar to select a language.
- Spanish interpretation is only available when using internet audio, "join audio by computer."
- Those dialing in over the phone will only hear English.
- If you need to hear the Spanish interpretation, please join with computer audio only.



Accessibility

- English Closed Captions can be accessed by selecting the “Show Captions” button
- Use the raise hand feature or chat function to ask questions throughout the web conference
- Message conference facilitator, *Virginia* or *Yesenia*, for technical support



Introductions:



Rocio Molina
She/her/ella
Senior Legal Advisor
ValorUS



Virginia Garcia
She/her/ella
Project Coordinator
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How Building Upon Our Advocacy Roots Expands the Help Immigrant Survivors Receive Today VALORUS

September 4, 2025



Faculty



Leslye Orloff

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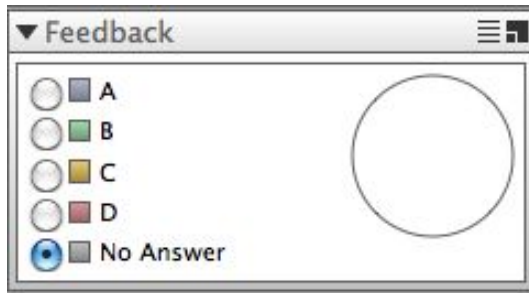
Learning Objectives

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

- Use NIWAP's public benefits map to ensure that immigrant survivors and their children apply for and receive benefits and services;
- Assist immigrant survivors of domestic and sexual violence in seeking state court protections
- Employ creative advocacy to address immigrant survivors concerns and meet their needs
- Access customized training and technical assistance from NIWAP.

Poll 1: Who has joined us today? / ¿Quién nos acompaña hoy?

Answer on
the left



▼ Feedback

☐ A

☐ B

☐ C

☐ D

☒ No Answer

- A. Coalition Staff / Equipo de la coalición
- B. Coalition Leadership / Liderazgo de la coalición
- C. Member Program staff / Equipo del programa de miembros
- D. Member Program leadership / Liderazgo del programa de miembros
- E. Other / Otro

Other write in
chat box →



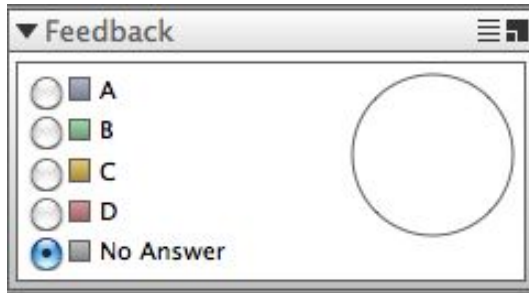
Chat

Public Private

Type here to send a message

Poll 2: Who participated or watched Part I of this series?/¿Quién participó o vio la Part I de esta serie?

Answer on
the left



- A. Yes, participated/**Si, participe**
- B. Yes, watched/**Si, vi**
- C. No, joining for first time now/**No, me uno por primera vez ahora**

NIWAP Resources

- NIWAP Web library
 - Directory
 - Public Benefits Interactive Map & Demographics
 - Materials: Toolkits, training tools, legal research, multi-lingual outreach materials, statutes, regulations, policies
- Technical Assistance
 - Cases, policies, strategies
 - Email, phone, zoom
- Trainings and Webinars
 - On-line, virtual, in-person
 - Customized state/local needs
- Communities of Practice
 - Victim advocates, family lawyers
 - Key partners: law enforcement, prosecutors, judges



Join a NIWAP Community of Practice

- Roundtable for Law Enforcement, Prosecutors and System-based Advocates
<https://www.surveymonkey.com/r/LERoundtable>
- Victim Advocates COP
<https://www.surveymonkey.com/r/VictimAdvocateCOPApp>
- Family Law Attorneys COP
www.surveymonkey.com/r/FamCOP2023
- National Judicial Network: Forum on Human Trafficking and Immigrants in State Courts (Judicial Officials only)
<https://niwaplibrary.wcl.american.edu/pubs/njn-outreach-letter>

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
- Family law for immigrant survivors
 - Including protection orders, custody, divorce, support
- Public benefits, services, and legal assistance
 - E.g. housing, healthcare, driver's licenses, food assistance, education
- Providing trauma informed assistance to immigrant survivors
- Interpreters/translators best practices
- Prosecution strategies
 - Discovery, Victim Disclosures, and Expert Witness

NIWAP Can...

- Design trainings for you staff and member programs that
 - Support your work with immigrant survivors
 - Meet your state/local needs and emerging issues
 - Clarify immigrant survivors legal rights and options covering
 - The topics your choose to prioritize
 - Up-to-date laws, policies, and best practices
 - The skills you want to build for your staff/programs
 - Include follow up technical assistance

New Tools That Help Protect Survivors

- 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
- Letters that deter courthouse enforcement against victims



Evidence-Based Research Findings: Important Role of Victim Advocacy

Connection Between Abuse and Control Over Immigration Status

- Abuse rates among immigrant women
 - Lifetime as high as 49.8%
 - Those married to citizens and lawful permanent residents – 50.8%
 - U.S. citizen spouse/former spouse abuse rate rises to 59.5%
- Almost three times the national average

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



Coercive Control Over Immigration Status

- Among abusive spouses who could have filed legal immigration papers for survivors:
 - 72.3% never file immigration papers
 - The 27.7% who did file had a mean delay of **3.97 years**.

Hass, Dutton and Orloff (2000). "Lifetime prevalence of violence against Latina immigrants: Legal and Policy Implications." International Review of Victimology 7 93113

- 65% of immigrant survivors report some form of immigration related abuse (NIJ, 2003)

Edna Erez and Nawal Ammar, Violence Against Immigrant Women and Systemic Responses: An Exploratory Study (2003)



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).

Immigration-Related Abuse

- 10 times higher in relationships with physical/sexual abuse as opposed to psychological abuse*
- May predict abuse escalation
- Corroborates the existence of physical and sexual abuse

*Mary Ann Dutton, Leslye Orloff, and Giselle Hass, Characteristics of Help-Seeking Behaviors, Resources and Service Needs of Battered Immigrant Latinas: Legal and Policy Implications (Summer 2000)

Best Practices For Serving Immigrant Survivors – Victim Advocates

- Know how to access up-to-date legally correct information and training on immigrant survivors legal rights to protections under
 - Immigration, family, protection order, and public benefits federal and state laws
 - Safety plan and empower survivor decision-making based on this knowledge
- Build and maintain good relationships with law enforcement, prosecutors, courts
- Provide and advocate for interpreters and translators

Research has found...

- With support from advocates and attorneys who
 - Are knowledgeable about legal rights of immigrant survivors
 - Provide/help secure language access
- Immigrant and LEP survivors will
 - Seek protection orders, help from courts, access services, and apply for immigration relief

Mary Ann Dutton, Nawal Ammar, Leslye Orloff, and Darci Terrell, Use and Outcomes of Protection Orders by Battered Immigrant Women: Revised Final Technical Report to the National Institutes of Justice (November 19, 2006);
Rafaela Rodrigues, Alina Husain, Amanda Couture-Carron, Leslye E. Orloff, and Nawal H. Ammar, 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);
Nawal H. Ammar, Leslye E. Orloff, and Amanda Couture-Carron, Immigrant Victims of Interpersonal Violence and Protection Orders, In Civil Court Responses to Intimate Partner Violence and Abuse (2020)

Research has found...

- 97.2% of U visa victims file with assistance from attorneys or victim advocates
 - USCIS, U Visa Report, U Visa Demographics (March 2020)
- Importance of creating relationships with immigration attorneys with expertise on VAWA, U visa, T visa and SIJS cases
 - NIWAP Directory



NIJ Funded Research:

Advocacy Makes a Difference

- Safety planning and advocacy work
 - Immigrant victims learned about protection orders
 - Advocates assessed lethality
 - Including immigration related abuse
 - Coercive control in the relationship
 - When there was a high risk of lethality, with advocate support more immigrant victims sought civil protection orders
 - With this help, the court process was easier than immigrant survivors expected

Ammar, Orloff, Dutton, and Hass, Battered Immigrant Women in the United States and Protection Orders : An Exploratory Research Criminal Justice Review 37:337 (2012)



NIJ Funded CPO Study Found

- With support immigrant victims will use and benefit from justice system assistance
 - 60.9% did not know about CPOs
 - With safety planning and advocate/attorney support 81% got CPOs including -
 - Particularly those experiencing high levels of abuse
 - 96% found them helpful
 - Protection orders were effective in preventing recurring physical abuse

Ammar, Orloff, Dutton, and Hass, Battered Immigrant Women in the United States and Protection Orders : An Exploratory Research Criminal Justice Review 37:337 (2012); Dutton, M. A., Ammar, N., Orloff, L., & Terrell, D. (2006). *Use and outcomes of protection orders by battered immigrant women* (Revised final technical report #2003-WG-BX-1004). Washington, DC: National Institute of Justice Office of Justice Programs, U.S. Department of Justice.

NIJ Study – Effectiveness of CPO

- Immigrant survivors who obtained protection orders experienced reductions in physical and sexual abuse
- Including among survivors with “no unlawful contact” protection orders
 - Ayuda survivor’s story
- 68.3% of violations: immigration related abuse

Ammar, Orloff, Dutton, and Hass, Battered Immigrant Women in the United States and Protection Orders : An Exploratory Research Criminal Justice Review 37:337 (2012); Dutton, M. A., Ammar, N., Orloff, L., & Terrell, D. (2006). *Use and outcomes of protection orders by battered immigrant women* (Revised final technical report #2003-WG-BX-1004). Washington, DC: National Institute of Justice Office of Justice Programs, U.S. Department of Justice.

When Victims are Subject to Immigration Enforcement the Cause is... (2013 and 2017)

- Perpetrators actively reporting for removal victims with pending immigration cases
 - VAWA self-petitioners 38.3%; U visa 25%
- Perpetrators used English language proficiency when domestic violence victims called police for help to get the victim arrested
 - VAWA self-petitioners 15.4% (2013)-17% (2017); U visa 7.5%(2013)-36% (2017)
- Traffic stops
 - VAWA self-petitioners 28.6%; U visa 26.7% (2013) – 39% (2017)

Krisztina E. Szabo, David Stauffer, Benish Anver, *Authorization For VAWA Self-Petitioners and U Visa Applicants*, NIWAP (Feb. 12, 2014) and Rafaela Rodrigues, Alina Husain, Amanda Couture-Carron, Leslye E. Orloff and Nawal H. Ammar, *Promoting Access to Justice for Immigrant and Limited English Proficient Victims* (2017)

Research Comparing 2016 and 2017 Found

- Victim advocates and attorneys reported
 - A 391% drop in battered immigrants' willingness to file VAWA self-petitions
 - 31% decline in the numbers of U visa cases filed by their agencies on behalf of immigrant victims

Rafaela Rodrigues, Alina Husain, Amanda Couture-Carron, Leslye E. Orlof, and Nawal H. Ammar, 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)

2017 Research Found Increased Willingness to Seek Family Court Help

- When state courts provide language access, issue SIJS judicial determinations and sign U visa certifications
 - Immigrant victims of domestic violence, sexual assault, human trafficking and child abuse are willing to seek protection orders and help from family courts at significantly higher rates
 - Even in times of increased anti-immigrant sentiment and immigration enforcement (comparing 2016 and 2017)

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/>



Filing for Immigration Relief Is The Key

- Deferred action & work authorization have a ripple effect leading to increased use of the justice system
 - 114% increase in willingness to trust the police
 - 36% make police reports regarding future crimes
 - 60% seek protection orders and/or custody
 - Co-occurring child abuse declines from 77% to 23%
 - 22% help other victims report abuse and seek help/justice
- Significant reductions in abusers using immigration 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 of abusers to use immigration to gain an advantage in family court

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); 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/>

Mental Health Benefits of Work Authorization and Deferred Action

- VAWA and U visa victims report increases in:
 - It being easier to make decisions 432%
 - Sleeping better & being calmer– 300%
 - Being more focused – 280%
 - More independent – 261%
 - Standing up for themselves 225%
 - Having more energy – 188%
 - Being less depressed 183%
 - More at ease – 162%
 - More hopeful 130%

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)

Economic Impact of Work Authorization

- 300% increase in jobs that pay at least minimum wage
- 542% increase in formal sector jobs that deduct taxes
- 43% security jobs with health insurance, sick leave, vacation pay & those working in the informal sector pay taxes using tax IDs
- At lawful permanent residency
 - 77% reduction in sexual assault or attempted sexual assault at work

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)

Education and English Language Learning

- 226% increase in victims taking ESL classes
- 167% increase in working to improve English speaking abilities
- 60% attend social events with people in the U.S.
- 35% obtain GEDs
- 38% pursue AAs and Bas
- 21% receive vocational education
- 19% advanced degrees

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)

Improvements for Children

- 6.6 fold increase in victim's involvement in their children's schools
- Increases in victim's children
 - 101% being more socially active
 - 134% pursuing their own interests
- At lawful permanent residency
 - 65% improvement in children's grades
 - 125% decrease in disciplinary problems
 - 80% less aggressive

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)

What We Accomplished in the Violence Against Women Act

Partners That Made VAWA Happen Our Allies To Help Immigrant Survivors Today

- Diverse professions, ethnicities, cultural backgrounds, geographic locations
- Domestic & sexual violence victim advocates
- DV/SA coalitions – E.g. Wyoming, Florida
- Faith based organizations
- Immigrant rights groups
- Women's rights groups
- Police, prosecutors

Designed to Help All Victims

- Underserved populations
 - Communities of color
 - Immigrants
 - Limited English Proficient
 - Rural communities
 - Native American victims
 - LGBTQ victims
 - Survivors with disabilities
- Immigration relief key component of legislation



Won Law Reforms To Help Immigrant Survivors

- Battered Spouse Waiver – 1990
- Violence Against Women Act – 1994
- 1996 Welfare and Immigration Reforms
 - VAWA confidentiality
 - Benefits access
 - Enforceable Affidavits of Support
- Access to Legal Services for Battered Immigrants-1997, 2005
- Violence Against Women Act 2000
- Victims of Trafficking Protection Act 2000
- Specialized adjudication unit for VAWAs, Us, Ts 2001, 2005, 2023
- Violence Against Women Act of 2005
- International Marriage Broker Regulation Act of 2005
- Trafficking Victims Protection Reauthorization Act of 2008
- Health Care Reform – Lawful Presence 2010
- Violence Against Women Act of 2013

Immigration Relief Created and Improved

- Battered Spouse Waiver 1990
- VAWA self-petition 1994, 1996, 2000, 2005, 2013
- VAWA cancellation of removal and suspension of deportation 1994, 1996, 2000, 2005, 2013
- VAWA confidentiality 1996, 2000, 2005, 2014
- U visa 2000, 2005, 2013
- T visa 2000, 2005, 2008, 2013
- Work authorization for abused spouses of A, E(iii), G and H visa holders 2005
- Improvements to Special Immigrant Juvenile Status (SIJS) 2005, 2008
- Exemption from public charge 2000, 2013

What VAWA Also Accomplished

- Improved access to, funding for, and training and technical assistance for those serving victims
 - Shelters
 - Rape crisis center
 - Victim services
 - Family justice centers
 - Law enforcement, prosecutors, judges, courts
 - Forensic nurses, health care providers
 - Technical assistance providers
- Including
 - Governmental and non-governmental agencies
 - Underserved victims

What We Know From Our Movement's History

How We Helped Immigrant Victims Before VAWA – 1980's & 1990's

- Family Court
 - Civil protection orders
 - Enforcement through civil/criminal contempt
 - Custody, divorce, child support
 - Affidavits of support
- Shelters, rape crisis centers, victim services
- Collaboration with police and prosecutors
- Safety planning, empowering survivors, building upon their strengths, learning from their lived experience
- Creative victim advocacy that met survivors intersecting and diverse needs



Today We Have All This And More

- Judges, police, and prosecutors have
 - Had years of training
 - Set up specialized units
- We work in coalition and collaborate
 - With, law enforcement, prosecutors, therapists, health care providers, judges, victim advocates, attorneys, researchers
 - Across areas of expertise
 - Domestic violence, sexual assault, stalking, human trafficking, child abuse, dating violence
 - Creating family justice centers
- Statutory immigration relief
 - VAWA self-petitions, Battered Spouse Waivers, U and T visas, Special Immigrant Juvenile Status, VAWA Confidentiality, Work authorization for abused spouses of visa holders, Continued presence

Family Court Protections for Immigrant Survivors

Poll 3:: Help Available From Family Courts?/ ¿Ayuda disponible en la Cortes de Familia?

(Check all that apply)/ (Selecciona todo lo que corresponda)

- A. Civil Protection Orders/ Órdenes de Protección Civil
- B. Award custody and safe visitation/ Otorgar la custodia y visitas seguras
- C. Maintain health insurance/ Mantener el seguro de salud
- D. Child support/ Pensión Alimenticia para los hijos
- E. Enforce affidavits of support/ Ejecutar las declaraciones juradas de manutención
- F. Continue divorce so victim does not lose access to a green card/ Continuar con el divorcio para que la víctima no pierda el acceso a la residencia permanente

What are some other examples of remedies survivors you work with have gotten from the state courts?

¿Qué otras formas de ayuda han obtenido las sobrevivientes en las cortes estatales?



Economic Remedies

- 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
- Tax remedies
- 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

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
- Immigrant victims and their children often need creative protection order remedies using the state catch-all provisions

Poll 4: **True or False?**

Violation of a protection order is a deportable offense?

¿La violación de una orden de protección es un delito que puede causar la deportación?



True



False

VERDADERO

FALSO

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
 - A finding of violation of the protective provisions of a protection order in any context can trigger deportation including findings in civil contempt cases and admissions for diversion
 - Need Padilla warnings
- Do not agree/litigate CPOs filed against victims
- Victims should not be charged with violation of orders issued for their own protection



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 the care of a child
- Deter parental kidnapping
- Child/Spousal support
 - Affidavit of support
- Health insurance

Victims Who Stay: No Unlawful Contact Protection Orders

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

Custody of Children in Immigrant Families

Is Immigration Status Relevant to Custody?

- Relevant to: Immigrant crime victim presents evidence of immigration related abuse, power and control suffered
 - Either not filing or withdrawing immigration papers
 - Threats to turn victim in for deportation
 - Part of history of violence
- Not relevant to:
 - Core primary caretaker determination
 - Evaluation of parenting skills
 - Best interests of the child determination
 - Requirements regarding custody awards to non-abusive parent



Immigrant Parents and Child Custody

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

Myth vs. Fact:

Parents without Legal Immigration Status

Myth

1. Deportation is imminent
2. Parent is likely to flee U.S. with child
3. The parent has no livelihood
4. Parent have custody to file immigration papers for child

Fact

1. VAWA confidentiality laws can prevent detention/removal & family court orders of immigrant victims
2. US citizens and lawful permanent residents are more likely to flee with children, especially when
 - There have been threats of kidnapping children
 - They are dual nationals
 - They travel freely to and from U.S.
3. Abused immigrant parents in family court have a path to immigration relief, work authorization & some benefits
4. Custody does not affect parent's ability to file for or gain immigration benefits for his children.

Affidavits of Support and Child Support

Affidavits of Support

<https://niwaplibrary.wcl.american.edu/pubs/affidavits-of-support-bench-card/>

- Each person who petitions for a family member to immigrate to the United States must execute a legally enforceable affidavit of support. 8 U.S.C. § 1182(a)(4)(C)(ii)
 - Contractually committed to support sponsored family member at annually at 125% of Federal Poverty Guidelines
- Affidavits of Support are enforceable as contracts by the sponsored immigrant
- Support obligation lasts till immigrant spouse
 - Naturalizes, dies, earns 40 quarters of work credit, or gives up lawful permanent residency and leaves the U.S.

Affidavits of Support Case Law

- Love v Love 33 A.3d 1268 *; 2011 Pa. Super. LEXIS 4305 **; 2011 PA Super 268

- Immigrant spouse no duty to mitigate
- Do not impute earning capacity

Motlagh v. Motlagh 2017-Ohio-8667 *; 100 N.E.3d 937 **; 2017 Ohio App. LEXIS 5095 ***; 2017 WL 5632723

- Spousal support and obligation under I-864 are different but can & should be enforced in same action; attorney's fees

Child Support & Immigration:

Helps Immigration Cases of Both Parents

- Lack of legal work authorization is not a valid defense to non-payment of child support
- Payment of child support through the court provides a non-citizen parent with a history of child support payments
 - Importance of wage withholding
- This is helpful evidence of good moral character for either parent's immigration cases
 - Cancellation of removal
 - Naturalization
 - Obtaining relief in immigration court
 - Can be used to show hardship to family members

Why Advocates Need To Identify Which Immigrants Qualify For Which Benefits In Your States?

Poll 5: True or False?

Immigrants applying for benefits for children can refuse to provide immigration or social security number information about themselves.

Las personas inmigrantes que piden beneficios para sus hijos pueden negarse a dar su información de inmigración o de seguro social.



True



False

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When children qualify and their parents/guardians do not:

- If a child qualifies for benefits as a citizen or qualified immigrant the benefits granting agency may only ask questions about the child's eligibility
- No questions may be asked about the immigration status of the child's parent if the parent is not applying for additional benefits for themselves

How Benefits Programs Help Victims

- Protect safety and promote economic stability of victims and their children
- Promotes best interests of children
- Reduces perpetrator's economic control, promotes offender accountability
- When victim advocates know who qualifies for what
 - Helps ensure that children, parents, and victims who are immigrants apply for, receive, and are not turned away from benefits they qualify to receive
 - Advocates/attorneys do not want to inadvertently encourage immigrants to seek public benefits for which they do not qualify

Widespread Problems Nationally

- Immigrants applying for public benefits they and their children are eligible to receive
 - Turned away at the door
 - Not provided interpreters
 - Denied benefits they qualify for
 - Children who are citizens or immigrants
 - Immigrant crime victims
 - Offered benefits immigrant parents/guardians applying for children do not qualify for and are not seeking for themselves
- Identifying who can accompany is key
 - NIWAP's map/charts provide legally correct information

Importance of Accompanying Immigrants in Applying for Public Benefits

- Helps educate state benefits workers
- Ensures children and survivors get what they are legally entitled to access
 - Varies by state, immigration status, benefits program
- Supports immigrant parents/guardians file for benefits for eligible citizen, qualified immigrant and lawfully present children
 - State welfare worker reporting requirements

What Help Is Available to Immigrant Survivors to Meet Urgent 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/GEDs
- Immunizations, testing, treatment communicable diseases
- Emergency medical care

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)

As Victims Apply for Victim-Based Legal Immigration Status Access to Federal and State Public Benefits Increases

Qualified Immigrant Access to Federal and State Public Benefits

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

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



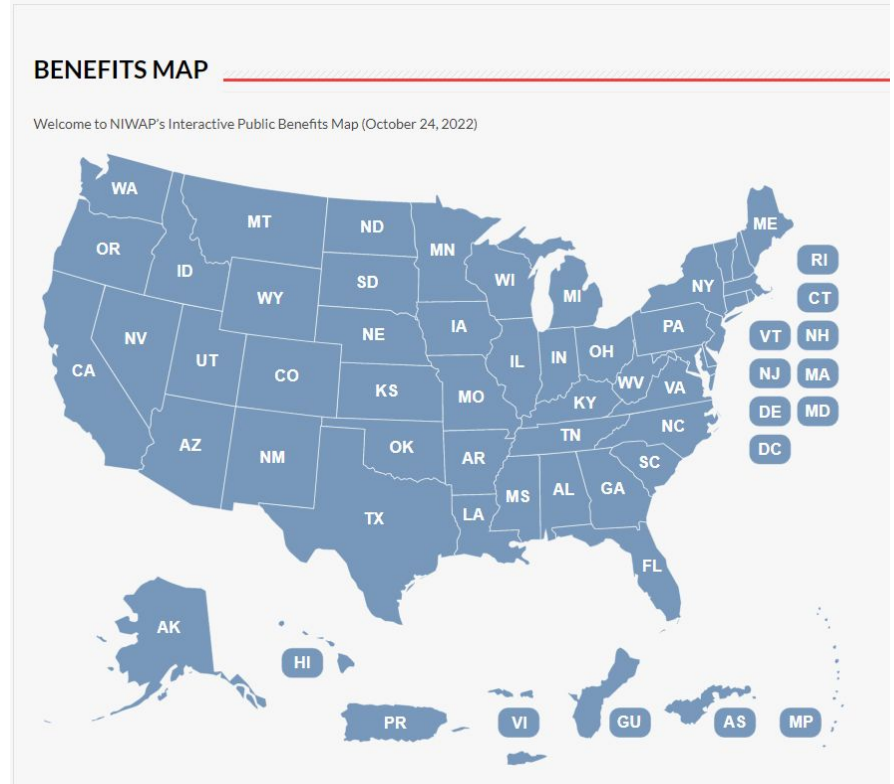
Interactive Public Benefits Map Demonstration

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



<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

State Benefits Eligibility

- How can the benefits map help when
 - A victim or a child is considering moving to a new state; or
 - A victim flees their abuser to another state
 - A victim is being moved by their abuser to another state

Determining What Benefits and Services Clara, Miguel and Lupe Are Eligible to Receive

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 for Clara, Miguel and Lupe qualify for and with regard to benefits access is there a difference?

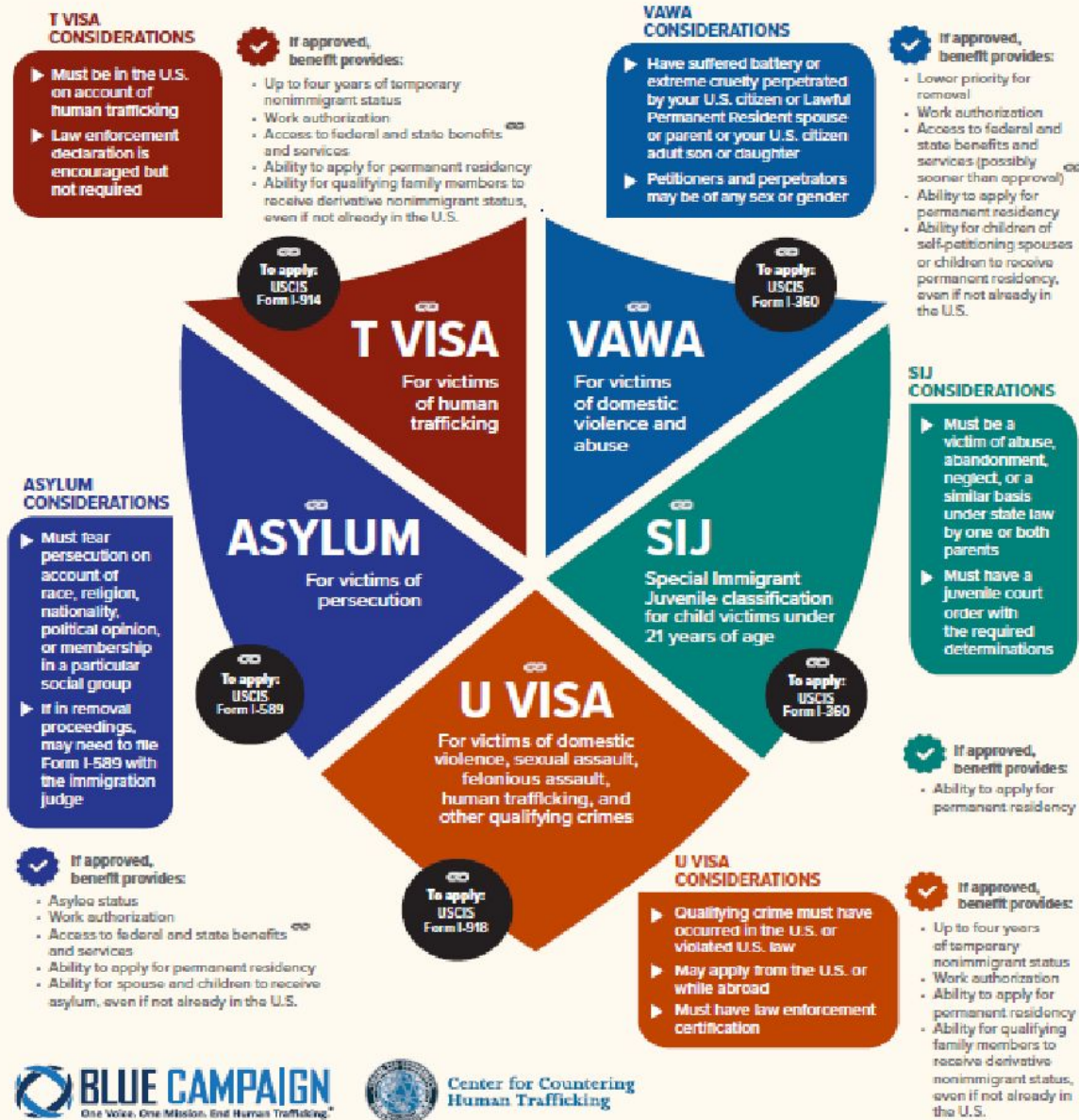




U.S. Legal Immigration Benefits for Noncitizen Victims of Crime and Abuse

NIWAP

U.S. Immigration Benefits for NONCITIZEN CRIME VICTIMS



Benefits Impacts – Federal Benefits

- TANF: **T visa, OTIP, CP eligible**
 - 5-year bar: VAWA (5 yrs) SIJS-LPR (9 yrs); U-LPR (28+ yrs)
- SNAP (Food Stamps):
 - Children: VAWA LPRs (3-4 yrs), T visa(3-5 yrs)–LPRs (SIJS (5 yrs);
 - Adults (5-yr bar): VAWA & T-LPRs (5 yr); U visa-LPR (33+ yr.)
- Housing: **T, OTIP, CP, VAWA self-petition eligible**
 - SIJS-LPR (4 yrs), U visa-LPR (23+ yrs)
- Education (FAFSA): **T, OTIP, CP eligible VAWA (3mos)**
 - SIJS-LPR (4 years), U visa-LPR (23+ years)
- Healthcare subsidies: **T, OTIP, CP eligible through Oct 2026**
 - Children/Pregnant persons (many states) **VAWAs, SIJS eligible**, U bona fide (3-5 yrs)
 - Adults VAWA (5 yrs) SIJS-LPR (9 yrs); U-LPR (28+ yrs)

How might Clara's and the children's
legal immigration options impact
their economic security?



Time to Work Authorization (June 2024)

- VAWA Abused spouses of citizens - 3 months
- T visa bona fide - 6 months
- OITP children - 1 month
- U visas – 35 months
- VAWA abused spouse of lawful permanent residents – 42.5 months
- SIJS – 4 years

TANF & State Funded Cash Assistance

- Eligible – Clara, Miguel – Lupe in applications
 - T visas, bona fide, continued presence, OTIP
- State funded cash assistance
 - 16 states: VAWAs 3 months, lawful permanent residents (LPRs) (SIJS 5 years, U visas 20+ years)
 - 9 states (7 additional) abused immigrants
 - 7 states SIJS filed (lawfully residing + PRUCOLs)
 - 5 states U visas filed
 - 4 states U visa bona fide
 - 5 states impose state 40 quarter work credit requirement (10 years) on all lawful permanent residents

Miguel and Lupe need eye exams, glasses, and regular health care check ups, what are they eligible for?



Lawfully Present Immigrant Access to Health Care Exchanges –partial list

- Qualified immigrants
 - E.g., VAWAs, T visas, Refugees, Asylees, LPRs
- Trafficking victims – T visa, CP, OTIP
- SIJS children
- Parolees
- Visa holders (did not violate the terms of their visas)
- Deferred action
- Immigrants with pending applications for lawful permanent residency
- Asylum/Convention Against Torture applicants with work authorization
- Temporary protected status

Health Care: Federally Funded & State CHIP

- Federal CHIP (children) & Medicaid (Clara)
 - Eligible – T visas, CP, OTIP through 9/30/96
 - Qualified immigrants 5-year bar
 - VAWAs (5 yrs); SIJS-LPR(9 yrs), Us-LPR (23+ yrs)
- State funded CHIP – (39 states) Miguel and Lupe
 - 13 states no immigrant restrictions
 - 9 states up to age 19; 3 states up to age 21
 - 2 states children with pending immigration cases
 - 24 states lawfully present children
 - 16 states up to age 19; 8 states up to age 21

Clara learns in the hospital that she is pregnant, what healthcare is available to Clara during her pregnancy and after?



Health Care for Adults - Clara

- Federal 5-year bar, unless T visa, CP or OTIP
- State Funded Healthcare for Immigrant Adults
 - 6 states no immigrant restrictions
 - 3 states PRUCOLs or lawfully present
 - VAWAs, U applicants/bona fide, SIJS
 - 2 states abused immigrants
- State funded healthcare for pregnant adults
 - 13 states no immigrant restrictions if pregnant
 - 23 states lawfully present immigrants
 - 12 states prenatal care only no immigrant bars

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
- Post-secondary educational grants and loans
 - Eligible - Ts, CP, OTIP, VAWAs and lawful permanent residents (LPRs) (SIJS 4 yrs, U visa 23+ years)
- In-state tuition, state grants and loans
 - 26 states without regard to immigration status
 - 24 states limited to qualified immigrants
 - Ts, CP, OTIP, VAWAs and LPRs (SIJS 4 yrs, U visa 23+ years)

How does the form of immigration relief Clara and Miguel pursue affect their access to a driver's license or a state issued ID?



Driver's License – Miguel and Clara

- Federally recognized REAL ID driver's license or identification card
 - Eligible: Trafficking victims T visas, CP, OTIP, and Immigrants with Employment Authorization
 - T bona fide (6 mos)
 - VAWAs: USC abusers (3 mos); LPR abusers (43 mos)
 - SIJS – LPRs (4 years); U visa bona fide (35 mons)
- State issued driver's licenses
 - 19 states offer state issued non-REAL ID compliant driver's licenses and IDs to state residents

Questions and Discussion

Contact NIWAP for Trainings for Your Coalition Staff, Board, Member Programs

- **NIWAP's Technical Assistance and Training Requests**

- Call (202) 274-4457
- E-mail info@niwap.org
- NIWAP can design trainings
 - To meet your needs
- Web Library
 - www.niwaplibrary.wcl.american.edu

