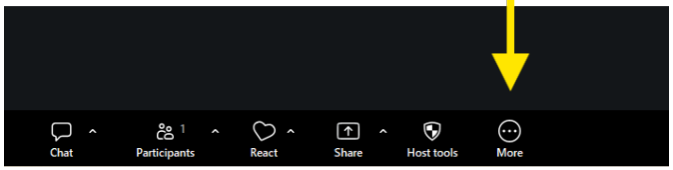
WHAT ADVOCATES NEED TO KNOW ABOUT WORKING WITH IMMIGRANT SURVIVORS

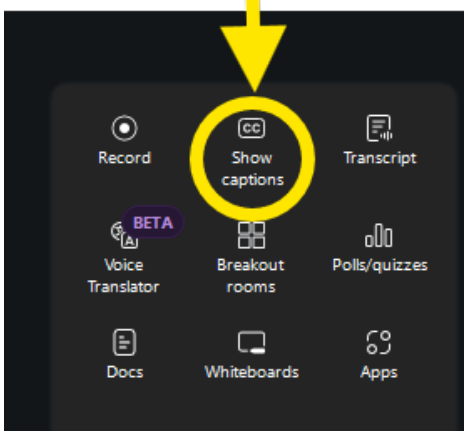
DAY 2

Welcome! You can enable caption for this webinar, please see the instructions below:

If you don't have a "Show Captions" button on your bottom Zoom window ribbon, click on the "More" button as shown here:



Then click: "Show Captions"



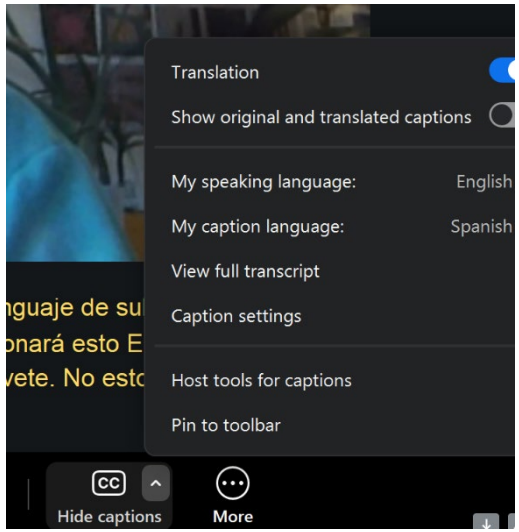
Once you click "Show Captions", you'll be asked what language you'd like to read captions in for this meeting. This will be changed in our next step, so just pick English for now.

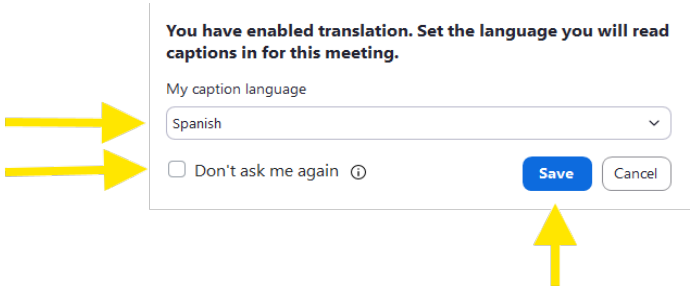
Then, a "Show/Hide Captions" button will appear at the bottom ribbon. Click on it, and ensure that "Translation" is toggled on. Now this part is counterintuitive:

Spanish speakers will select "English" as speaking language and "Spanish" as "My Caption Language" -- this will enable translated Spanish captions when others are speaking in English

Note: this works for other preferred languages other than Spanish.

Non-Spanish speakers will select "Spanish" as speaking language and "English" as "My Caption Language" -- this should enable translated English captions to show up whenever Spanish is spoken.





SEPTEMBER 23, 2026

Webinar Logistics

- Welcome to the hundreds of registrants and participants! If you feel comfortable, please introduce yourself in the chat by giving your name, agency, and location.
- This is intended as a two-day training. The sessions will be recorded, and the recordings will later be shared on the NWIRP website.
- Closed captioning is enabled. Make your selection on the Zoom menu bar.
- Due to the above factors, all presenters will need to speak clearly and slowly.
- We will also be taking some built-in breaks, and possibly more if the interpreters need it.
- Over the course of two days, we will have 10 presenters from the NWIRP Legal Staff, from across our four offices, all of whom have direct client experience.
- Due to the high number of participants, we will ask that questions be submitted solely through the **Q&A feature**. We will endeavor to have the presenters read all of the questions out loud for the interpreters and the recording. (Many of the presenters are bilingual in English/Spanish, so it is fine to type a question in Spanish into the Q&A)
- We will make the slides available to all registrants following the conclusion of the webinar.

Northwest IMMIGRANT RIGHTS Project

Webinar Logistics

Please note, today's webinar is intended for educational purposes only!

- The information provided should not be construed as individualized legal advice.
- We will not be able to address questions about specific cases, clients, or situations, as that is beyond the scope of our materials here, and would be a breach of confidentiality, and the rules of professional responsibility. Individuals with immigration questions will need to seek the advice and counsel of an experienced immigration attorney.
- Information, changes, and updates are occurring rapidly under this administration! The information provided today is only guaranteed to be updated through today (September 23, 2026).

Northwest IMMIGRANT RIGHTS Project

DAY 2 OVERVIEW

Part I:
Welcome, Introductions, and Logistics

Part II:
NWIRP

Part III:
Enhanced Safety Planning and VAWA Confidentiality

Part IV:
Crafting Declarations

Part V:
Letters of Support

Part VI:
Public Benefits for Immigrant Survivors

Part VII:
Additional Updates

Part VIII:
Questions?

Northwest IMMIGRANT RIGHTS Project



PART I:

WELCOME & INTRODUCTIONS

PART II:
Northwest Immigrant Rights Project

Mission Statement

Northwest Immigrant Rights Project promotes justice by defending and advancing the rights of immigrants through direct legal services, systemic advocacy, and community education.

Our Vision

Northwest Immigrant Rights Project strives for justice and equity for all persons, regardless of where they were born.

See NWIRP's Mission, Vision, and Values

Northwest Immigrant Rights Project

- Founded in 1984 (*See* Our Story)
- Only statewide organization providing comprehensive immigration legal services for low-income people in Washington State
- Focus primarily on direct legal services
- Also engage in:
  - impact litigation
  - community education
  - advocacy
- Four offices:
  - Eastern Washington: Granger and Wenatchee
  - Western Washington: Seattle and Tacoma

Northwest IMMIGRANT RIGHTS Project

PART III:

ENHANCED SAFETY PLANNING AND VAWA CONFIDENTIALITY

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Power-building vs. Rescue

- Present client's options and support client to discuss and weigh the pros and cons of those options (i.e. including derivatives)
- Respect client's right to make decision about his or her life
- Encourage the use of support services – cultural organizations, DV agencies, family law resources, counseling
- Encourage them to be as aware of and involved in the process as possible
- Give clear timelines and be transparent about responsibilities and limitations of assistance based on capacity and the scope of services

Role of the DVSA Advocate from the Attorney's Perspective

- Helping understand the needs, priorities, and "best interest" of the survivor
- Safety planning, including family safety plans, securing safe mailing addresses for clients, and preparing for/accompanying client to immigration check-ins
- Referring to non-immigration legal service providers where appropriate (family law matters, etc.)
- Developing communication strategies
- Gathering information/evidence
- Providing letters of support
- Identifying possible interpreters / experts within the community
- Identifying relevant cultural / religious background information

Safety Planning: An Enhanced Approach

- Safety for survivors now goes beyond just physical safety from abuser, but includes trying to stay safe from a system that should be protecting survivor and their family, and unfortunately often is not
- We must become used to asking difficult questions
- Now more than ever, our ability/willingness to listen carefully to what survivors want becomes central to our work

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Safety Planning

- Set up a safe way to communicate with your client (multiple, if possible). Make sure it's safe to leave voice or text messages or send mail before doing so – frequently re-confirm safety instructions.
- Make a plan with your client in case they are contacted by ICE.
- Remember that your client is the expert on their own situation – they know better than anyone else what is and is not safe for them.
- Emphasize that going to a shelter or receiving emergency assistance (if necessary) will not jeopardize their legal status.
- Refer them to other agencies for additional safety planning if possible.

Safety Planning

Abusers use the current policies and protocols to further control victims by:

- Using victims' immigration status or lack thereof to further their control and abuse, including reporting them to immigration authorities
- Accusing victims of crimes to various authorities, which may result in police intervention and criminal prosecution
- Filing protective orders against them so they have to show up in court
- Making false allegations of abuse or neglect against victims with respect to their children, which may result in CPS involvement

2019 Keep Washington Working Act

State law passed in 2019, establishing that it is not state or local law enforcement's job to enforce civil federal immigration law, and a person's immigration status, presence in the country, or employment alone is not a matter for police action.

Accordingly, state agencies including state / local law enforcement should **not**:

- **Inquire into / collect information about an individual's immigration status, unless connected to a state or local criminal investigation**
- **Provide information to federal immigration authorities for the purposes of civil immigration enforcement, except as required by law**
- **Condition services or request information or proof regarding a person's immigration status, citizenship status, or place of birth except as required to comply with state or federal law**

Laws of 2019 ch. 440, E2SB 5497; see also RCW sections 10.93.160; 43.17.42.

Advanced Safety Planning

At your first meeting:

- Address whether client is a potential target of an enforcement program
- Ask open-ended questions and focus on their safety concerns
- Some potential questions to determine risk:
    - Have you ever been stopped, turned away, talked to anyone (especially anyone in uniform), signed or received any papers *at the border*?
    - Have you ever been stopped by law enforcement, including immigration officials, arrested, charged with a crime, convicted of a crime, released from probation, failed to pay traffic tickets?
    - Did you ever receive any notices about immigration court or immigration appointments?
    - Have you ever had to go to any court or immigration office?

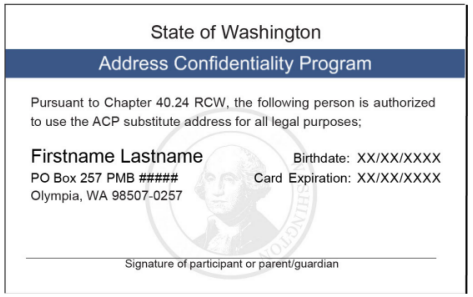
Advanced Safety Planning

- Avoid a crisis, identify issues on day one. Your work around safety planning must also include how to address situations where client is arrested/detained and:
  - Their children are alone at home or daycare
  - The abuser has their passport, access to their money, access to the children, etc.
  - The client does not have a passport or other identity documents for themself and/or their child(ren)
  - The client needs travel authorization from their child(ren)'s other parent(s) to leave the country
  - The client did not pick up their last paycheck
  - There is a question regarding their ability to pay their bond (criminal or immigration)
  - Medical concerns, trauma issues, memory gaps
- Think through all other potential issues, including those that may not be their immediate concern, and address them in advance.
- This could help avoid avoidable and/or prolonged separation from their family, avoidable and/or prolonged immigration detention, agreeing to an order of removal or a conviction without first defending their rights, etc.

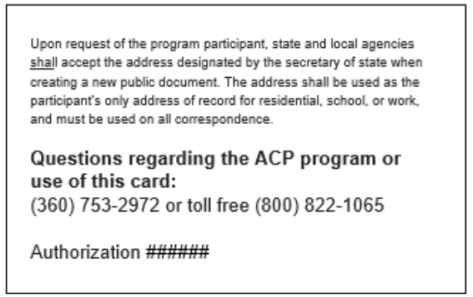
Obtaining Safe Addresses

- The Washington Address Confidentiality Program (ACP) offers survivors of domestic violence, sexual assault, stalking, or trafficking a substitute address to receive first class mail. The address is accepted by Washington state, county, and city government agencies instead of requiring a residential address for creating records.
  - ACP was created to help people who fear for their safety maintain a confidential address. Passed by legislation in 1991, ACP is part of a safety plan to stop abusers from locating their victims through public records. Public records are documents such as driver's licenses, voter registries and marriage records.
  - Eligibility:
    - Must live in Washington
    - Be an adult survivor of DV, SA, stalking, or trafficking and fear for their safety (or a parent or guardian acting on behalf of a minor or incapacitated person)
  - Advocates assist survivors in applying and once successful, survivors are given an authorization card and are enrolled in the program for the next four years.
  - Mail is routed through the ACP address and then forwarded to the survivors at the addresses they provided to the ACP

Front



Back



- If the ACP is not an option or the client requires additional protection, assisting survivors in obtaining a P.O. Box is also highly recommended. Clients must remember to frequently check for correspondence. Enrolling in USPS's "Informed Delivery" is also recommended.

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ICE and ISAP Check-Ins

- ICE Enforcement and Removal Operations (ERO) vs. Intensive Supervision Appearance Program (ISAP) appointments
  - ICE check-ins with an ERO deportation officer (DO) at the DHS office (12500 Tukwila International Blvd, Tukwila, WA 98168)
  - ISAP is administered by private contractors and appointments are with "ISAP specialists," not government employees (14220 Interurban Ave S, Tukwila, WA 98168)
  - ISAP specialists are in communication with and working at the direction of the ICE ERO DOs
- Increased detention at ICE check-ins and even ISAP appointments
  - Some people getting "Bag and Baggage" letter (Form I-166) giving you a specific time in the future to report to be taken into custody and eventually removed
  - Some people are unexpectedly detained at ICE check-ins / ISAP appointments (and elsewhere!)
- Issues w/ ISAP watch → increased use of ankle monitors

ICE and ISAP Check-Ins

- ICE moving immediately to detain those out of compliance (for ex., those who fail to attend an appointment, remove ankle monitor/watch) and are willing to make collateral arrests in the process (anyone nearby and seemingly even targeting known relatives / associates)
- Clients should prepare in advance for the possibility of being detained at any time
    - ICE is detaining noncitizens along with minor noncitizen children, including where noncitizen has U.S. citizen children and already purchased their own tickets
    - Consider and plan for impact of unexpected detention on children, property, etc.
    - ICE usually has noncitizens' passports, home and maybe other addresses, may be tracking location with CBP Home or other apps
- If client evades ICE detention or purposefully misses an ICE check-in, this almost guarantees that ICE will come looking for them and their family anywhere they can. NWIRP may withdraw representation in these situations for the client's own benefit.

Safety Planning for Families

- Gather all important documents of the minor child(ren), including travel documents and travel authorizations from other parent (this may require a parenting plan if other parent is uncooperative)
- Obtain and use necessary release of information waivers in a manner grounded in trust and respect
- Update contact information (e.g. school, daycare, medical)
- Plan to put the minor child in the best possible position if the parent(s) is unavailable and prepare accordingly
- Prepare third party (i.e. not a parent) to care for the minor child in the event that a parent is detained/deported
- Give the rights of the parents to a third party to care for the minor child while the parent is not available
  - Durable Power of Attorney for Parental Powers - to make important decisions
  - Parents' Intention for Care of Minor Child - for residential care, when reunification with parent happens
- Make sure family's physical documents are in a safe location accessible to a trusted third party, and electronic copies saved for reference
- Try to keep and update ongoing file of "positive equities" as well as compliance with any immigration supervision requirements
- **Legal Counsel for Youth and Children (LCYC) provides virtual Immigrant Safety Plan (ISP) appointments across Washington State**
  - The ISP is an emergency preparedness tool that allows families to select a third-party caregiver to care for their child in case of separation, deportation, incarceration, etc. Participants will be able to work with LCYC staff or pro bono volunteers to fill out safety plans for their children.
  - To register for an appointment (available in ENG and SPA): https://lcycwa.org/isp
  - Note that LCYC also has many resources available online for parents to create safety plans: https://lcycwa.org/resources/immigration

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Safety Planning for Families



Northwest IMMIGRANT RIGHTS Project

Organizational Safety Planning

Please see NWIRP's Know Your Rights page!

Please pay special attention to NWIRP's Advisory to Nonprofit Organizations and Social Services Providers Regarding Immigration Enforcement (January 2025)

- Every agency needs to do a risk assessment and have a plan in place for if/when ICE/Law Enforcement comes to the building
- Staff should be trained on that plan

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Enforcement Actions: What to Do If ICE Shows Up At Your Door?

- First consideration: What is your agency policy for dealing with law enforcement (i.e. police) showing up at the door? The same concepts apply to ICE (i.e. no warrant, no information).
- If the ICE agents want to enter, ask them if they have a warrant signed by a judge. If the agent does not have a warrant signed by a JUDGE, then you may refuse to let them in. An ADMINISTRATIVE warrant of removal signed by an ICE official is not enough.
- Contact local ICE supervisor immediately to raise concern about why enforcement actions are being carried out in contravention of VAWA protections.
- Please also contact NWIRP so that we can help to coordinate a response.

Northwest IMMIGRANT RIGHTS Project

UNITED STATES DISTRICT COURT

for the

District of Alaska

In the Matter of the Search of *(Briefly describe the property to be searched or identify the person by name and address)*	)	
In RE Application for a Warrant under Rule 41 of the Federal Rules of Criminal Procedure to Disrupt the Kelihos Botnet	)	Case No. 3:17-mj-00248-DMS

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of Alaska

(identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated here by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized):*

See Attachment B, incorporated here by reference.

YOU ARE COMMANDED to execute this warrant on or before ~~May 31, 2017~~ June 14, 2017 DS 6/14/17 *(not to exceed 14 days)*

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☑ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Deborah Smith
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for ____ days *(not to exceed 30)* ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 3:15 pm 5/31/17

/S/ DEBORAH M. SMITH
CHIEF U.S. MAGISTRATE JUDGE
SIGNATURE REDACTED
Judge's signature

City and state: Anchorage, Alaska

Hon. Deborah M. Smith, United States Magistrate Judge
Printed name and title

Immigration and Customs
Enforcement

50/15.5

Warrant of Removal/Deportation

Pursuant to Section 217

File No. _____

To any Officer or Employee of the United States Immigration and Customs Enforcement:

Pursuant to Section 217 of the Immigration and Nationality Act, an authorized officer of the United States Immigration and Customs Enforcement has ordered that

_____
(Full Name of Alien)

who entered the United States at or near _____ on or about _____ is subject to removal/deportation from the United States, based upon a final order by:

- ☐ an Immigration Judge in exclusion, deportation, or removal proceedings
- ☒ a District Director or a District Director's designated Official
- ☐ the Board of Immigration Appeals
- ☐ a United States District or Magistrate Court Judge

be deported from the United States of America. I, the undersigned Officer of the United States, by virtue of the power and authority vested in the Attorney General under the laws of the United States and by his or direction, command you to take into custody and remove from the United States the above-named alien, pursuant to law, at the expense of **appropriation "Salaries and Expense, Immigration and Naturalization Service, 2007 ", including the expenses of an attendant, if necessary.**

_____
(Signature of INS Official)

Field Office Director/Dallas, TX
(Title of Authorized Official)

_____
(Date)

Enforcement Actions: What to Do If Your Client Is Detained by ICE?

- Ideally, hire private attorney to ensure representation in court
- If that's not possible and individual is being held at the Tacoma ICE Processing Center (formerly known as the Northwest Detention Center), call NWIRP's Tacoma office: 253-383-0519
  - Leave message with full name and A# (if known) of detainee
  - Tacoma office can provide legal orientation to detainee, but can only provide representation in very limited number of cases
- If you're not sure where they are, you can try looking them up on ICE's Detainee Locator System, though it may take several days for them to appear in the system
  - www.locator.ice.gov

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WHAT IS VAWA CONFIDENTIALITY?

See 8 U.S.C. § 1367 Penalties for Disclosure of Information

"In 1994, the Violence Against women Act was signed into law and has been expanded over the years to include human trafficking and other violence crimes…Congress created the VAWA confidentiality provisions to prevent abusers and other crime perpetrators from using the immigration system as a tool of power and control over their victims or as a means to track and stalk their victim."

"VAWA Confidentiality" by Leslye Orloff, NIWAP

Northwest IMMIGRANT RIGHTS Project

VAWA Confidentiality Protections: Advocates

Under the 1984 Family Violence Prevention and Services Act (FVPSA), as amended, and the 1994 Violence Against Women Act (VAWA), as amended, any shelter, rape crisis center, domestic violence program, or other victim service program that receives either VAWA or FVPSA funding is barred from disclosing to anyone any information about a victim receiving services, including any information about their location.

- Disclosure of the very fact that a victim is receiving or has ever received services is prohibited
- State funding of domestic violence and rape crisis victim services have similar confidentiality requirements
- Programs that violate the confidentiality requirements, risk losing federal or state funding

See National Immigrant Women's Advocacy Project (NIWAP) Library at www.niwap.org

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VAWA Confidentiality Protections: Government

VAWA Confidentiality and Victim Safety Provisions provide three types of protection to survivors:

1. **Non-Disclosure Provisions:** Protects confidentiality of information provided to the Departments of Homeland Security, Justice, and State by an immigrant victim, in order to prevent abusers, traffickers, and perpetrators from harming or locating the victim.
2. **Source Limitations:** Stops immigration enforcement agencies from using information provided solely by an abuser, trafficker, perpetrator, or a member of their family, to take an adverse action regarding admissibility or deportability against an immigrant victim, *regardless of whether victim has filed or qualifies for VAWA-related immigration relief.*
    - 2025 VAWA and 1367 Policy Manual Update: USCIS will apply the "Prohibited Source Provision" more stringently, meaning that they cannot make an adverse determination of *admissibility* or *deportability* using information furnished solely by an abuser, perpetrator or trafficker, but they theoretically could use adverse information to make an adverse determination on eligibility for relief, such as the VAWA Self-Petition itself.

VAWA Confidentiality Protections: Government

VAWA Confidentiality and Victim Safety Provisions provide three types of protection to survivors:

3. Enforcement Limitations: Prohibits enforcement actions at DV shelters; victim services program; family justice center; supervised visitation center; or courthouse if the victim is appearing in connection with a protection order case, a child custody case or other civil or criminal case related to domestic violence, sexual assault, trafficking, or stalking. If any part of an enforcement action took place at any of these locations, DHS must disclose this fact in the NTA and removal proceedings, and must certify that such action did not violate section 384 of Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

VAWA Confidentiality Protections: Application

These protections apply to the following cases:

- **VAWA self-petition**
  - VAWA self-petitioner (Form I-360) + Battered spouse waivers (Form I-751)
  - VAWA Cuban Adjustment Act
  - VAWA Haitian Refugee Immigration Fairness Act
  - VAWA Nicaraguan Adjustment & Central American Relief Act
- **VAWA cancellation of removal + suspension of deportation**
- **U visa applicants**
- **T visa applicants**
- **VAWA work authorized spouses of visa holders**

VAWA Confidentiality Protections: Reach

- Prohibits disclosure of any information about:
  - The existence of the case
  - Actions taken in the case
  - Information contained in the case file
- Disclosure prohibited to all persons, not just the perpetrator
- Protections apply permanently from the time of filing, unless:
  - Case denied on the merits, and
  - All appeal options have been exhausted

VAWA Confidentiality Protections: Exceptions

- Disclosure to law enforcement, national security officials, judicial review of immigration case
  - Solely for a legitimate law enforcement or national security purpose
  - Must be done in a manner that "protects the confidentiality of such information"
- Benefit-granting or public benefits purposes
- Congressional oversight and data collection
  - Omitting personal identifying information
- Adult victim waived confidentiality protections

What Can Your Agency Do to Preserve VAWA Confidentiality?

- Be proactive; identify internal challenges
- Rely on confidentiality obligations (i.e. VAWA, FVPSA, VOCA, state law, privilege) to not provide information
- Be aware of difference between DHS-issued warrant vs. a court-issued warrant (which would need to be signed by a judge, not a DHS official)
- Develop internal protocols to respond effectively to clients at risk of detention and removal, including authorization of release of portions of files
- Provide a business card to client with a direct number
- Train your staff on handling ICE calls
- Policies / practices to help survivors keep proof of "positive equities"

5 MINUTE BREAK

Northwest IMMIGRANT RIGHTS Project

PART IV:

CRAFTING DECLARATIONS

Northwest IMMIGRANT RIGHTS Project

Purpose of a Declaration

- Client's opportunity to demonstrate that they meet the requirements for the relief that they are seeking
- Explain / address discrepancies in police reports or documentation submitted
- Describe positive equities
- Potentially explain circumstances of the need for inadmissibility waivers

Formatting

- "Affidavit" style is recommended
- Word Document or Google Doc (to allow for easy editing)
- Spelling and grammar are important!
- Quick Word formatting
  - 1" margins
  - 12 pt. font
  - Numbered paragraphs
  - Generally, paragraphs should be no more than 6 or 7 sentences long
  - Use subheadings, as appropriate, to differentiate topics

Content & Structure

- Must be in chronological order
- Start with basic information such as name, DOB, and place of birth
- Brief history of childhood, family, and life in their home country, if relevant
- Immigration history, such as entry or entries to the U.S. or petitions previously filed:
  - How, when, and why did they travel to or from the U.S.? How many times?
  - Did they have contact with immigration officials? If so, what happened?
  - What did they file, when, with whom, why?
- If applicable, brief history of how their relationship formed, developed, and devolved
- Account of abuse or crime they suffered and how it continues to affect them
- Reason(s) why they don't want to return to home country
- Explanation of any red flags, such as criminal history, inadmissibilities, lack of evidence, or inconsistencies in the record
- Plans, goals, positive equities, including reference to U.S. citizen relatives
- If client has any unusual circumstances or hardships, elaborate

THIS IS A SAMPLE U VISA DECLARATION. IT IS INTENDED TO PROVIDE AN EXAMPLE OF A POSSIBLE FORMAT FOR THE DECLARATION AND TO SHOW WHAT KINDS OF INFORMATION A DECLARATION MIGHT CONTAIN. DO NOT COPY ANY INFORMATION THAT DOES NOT APPLY TO YOU. THIS SAMPLE DECLARATION IS COMPLETELY FICTIONAL.

DECLARATION OF FULL CLIENT NAME
IN SUPPORT OF FORM I-918 PETITION FOR U NONIMMIGRANT STATUS
AND FORM I-192 APPLICATION FOR ADVANCE PERMISSION TO ENTER AS NONIMMIGRANT

I, FULL CLIENT NAME, hereby declare as follows:

1. I was born on December 1, 1972, in Guerrero, Mexico Please contact me through my attorney, ATTORNEY NAME, at the Northwest Immigrant Rights Project, 615 2nd Ave. Suite 400 Seattle, WA 98104.

2. I hereby request a waiver of any and all inadmissibility factors identified through my U visa petition and biometrics check including, but not limited to, entries without inspection, unlawful presence, and any and all other factors deemed necessary by the Service.

3. I grew up in a small town in Mexico with my parents and siblings. My first language is Spanish.

4. I arrived in the United States on August 1992, with a student visa. Currently, I live in Seattle, Washington. I have two U.S. citizen children, Jane Smith and John Smith, who live with me.

5. I started dating my boyfriend Joe Smith in November 1993. At first he seemed warm, funny, and charming. We dated for almost a year before moving in together in September 1994. Joe is a U.S. citizen, and he promised to marry me and sponsor me for a Green Card. Every time we discussed marriage, he would tell me to be more patient.

6. Soon after Joe and I moved in together, our relationship became troubled. He became very jealous, and would get very angry if I talked to other men. After a while, he started pressuring me to quit my job. We did not yet have any children, but he insisted that I should be at home. He said this would be less stressful for me, and that he would take care of me, but I believe that he wanted to be able to watch me more closely.

7. Joe started drinking heavily about six months after we moved in together. One evening, in late 1995, we were arguing while he was drunk. He became very angry and pushed me against a wall.

8. After that, Joe began pushing me or throwing things at me regularly during fights. This happened about once every couple months at first. When this first happened, I did not even consider calling the police because I did not think they would do anything.

What Must Declarations Show?

- VAWA Self-Petitions
- I-751 Waivers
- U Visas
- T Visas

VAWA Self-Petition: Eligibility Requirements

- **Qualifying relationship** with a USC or LPR
- **Good faith marriage** (genuinely intended to establish a life together), if spousal relationship
- **Joint residence** with USC or LPR during the qualifying relationship
  - Same address, no minimum time required
- **Physical abuse or extreme cruelty** of applicant by USC or LPR
- **Good moral character** of applicant (assumed for kids under 14)

I-751 Waiver:
Eligibility Requirements

- **Good Faith Marriage** + **Finalized Divorce** or **Death** of USC / LPR

AND / OR

- **Good Faith Marriage** + **Physical Abuse** or **Extreme Cruelty** of applicant by USC / LPR
  - Same type of documentation as for Self-Petition

AND / OR

- **Extreme Hardship** to applicant upon removal from U.S.

VAWA + Abuse-Based I-751 Declarations: Good Faith Marriage & Battery or Extreme Cruelty

---

Good faith marriage (genuinely intended to establish a life together), if spousal relationship

- How they met; how they relationship developed
- Describe decision to / process of moving in together, getting married
- How did they intend to merge their lives and what actions did they take to do this? (E.g. joint bank accounts, bought home, had children)

Battery (physical abuse) or extreme cruelty of applicant by USC or LPR

- Requires detailed discussion of relationship with abuser and the abuse
  - When did the abuse start? How did it escalate or evolve?
    - Emphasize physical and sexual abuse
    - Detail verbal, emotional, and financial abuse and highlight what makes it "extremely" cruel to the applicant
  - Discuss pattern of abuse: What did it entail?
- How has it impacted the applicant? Diagnoses? Medications? Counseling? Impact on work, relationships, physical and mental health? How will they heal?

VAWA + Abuse-Based I-751 Declarations: Heightened Scrutiny

Evidentiary Standard is "any credible evidence," but note that with December 2025 policy manual update, USCIS has departed from a survivor-centered lens

- **Consistency is extremely important to the client's credibility**
  - Declaration must be internally consistent
  - Must address and explain any inconsistencies between the applicant's account detailed in the declaration and other evidence in the record

- **Must explain lack of expected evidence**
  - Why are there no police reports? Why is there no good faith marriage evidence such as joint bank accounts, joint leases, etc?

U Visa: Eligibility Requirements

- Victim of a qualifying criminal activity
- Suffered / are suffering "substantial physical or mental abuse" as a result of qualifying criminal activity
- Possess information about the criminal activity
- Were helpful, are helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of qualifying criminal activity
- Crime occurred in the U.S. or violated U.S. law
- Admissible to the U.S. or eligible for a waiver of inadmissibility

U Visa Declaration: Qualifying Crime & Substantial Abuse

- **Detail the criminal activity that occurred**
  - Applicant's experience must be consistent with the police report, or inconsistencies must be addressed and explained
  - What crime was the perpetrator arrested for, the incident investigated as, the perpetrator charged with (where applicable)
  - Where appropriate, how long the abuse lasted and/or if it happened repeatedly over time
    - If the crime is domestic violence, give history of relationship and evolution of abuse.
- **Substantial physical or mental abuse incurred**
  - Type and severity of the conduct + the harm suffered
  - Duration of infliction of harm
  - Relationship between perpetrator and applicant
  - Permanent or serious harm to applicant's physical or mental health, including exacerbation to preexisting conditions, work life, relationships
  - Diagnoses received? Are they receiving counseling; taking medication?

U Visa Declaration: Cooperation

- **Past, present, *or* future helpfulness to law enforcement is required**
  - If, at the time of crime, the applicant was under age 16 or unable to provide information due to disability, explain the circumstances and how a parent, guardian, or next friend provided the help
- **Declaration should address, where applicable:**
  - What happened when the police or other investigators arrived? How did the applicant assist them?
    - Did they provide a description of or contact information for the perpetrator?
    - Did they provide a recorded interview?
    - How many times did they speak with law enforcement?
    - Did they submit to a medical examination or provide a release?
    - Did they allow photos to be taken of their injuries?
    - Did they provide any other evidence?
  - Was the crime prosecuted?
    - Did they testify in court or meet with the prosecutor?
    - What was the result of the prosecution?
  - Did they ever decline or refuse to assist law enforcement in their investigation or prosecution? If yes, how so, and why?

T Visa: Eligibility Requirements

- Victim of a **severe form of trafficking** in persons
- **Physically present** in the U.S. on account of the trafficking
- Complied with **reasonable request for assistance from law enforcement** agency in the investigation or prosecution
- Would suffer **extreme hardship** involving unusual and severe harm if removed from the U.S.
- **Admissible** to the U.S. or eligible for a waiver of inadmissibility

T Visa:
Two Severe Form of Trafficking

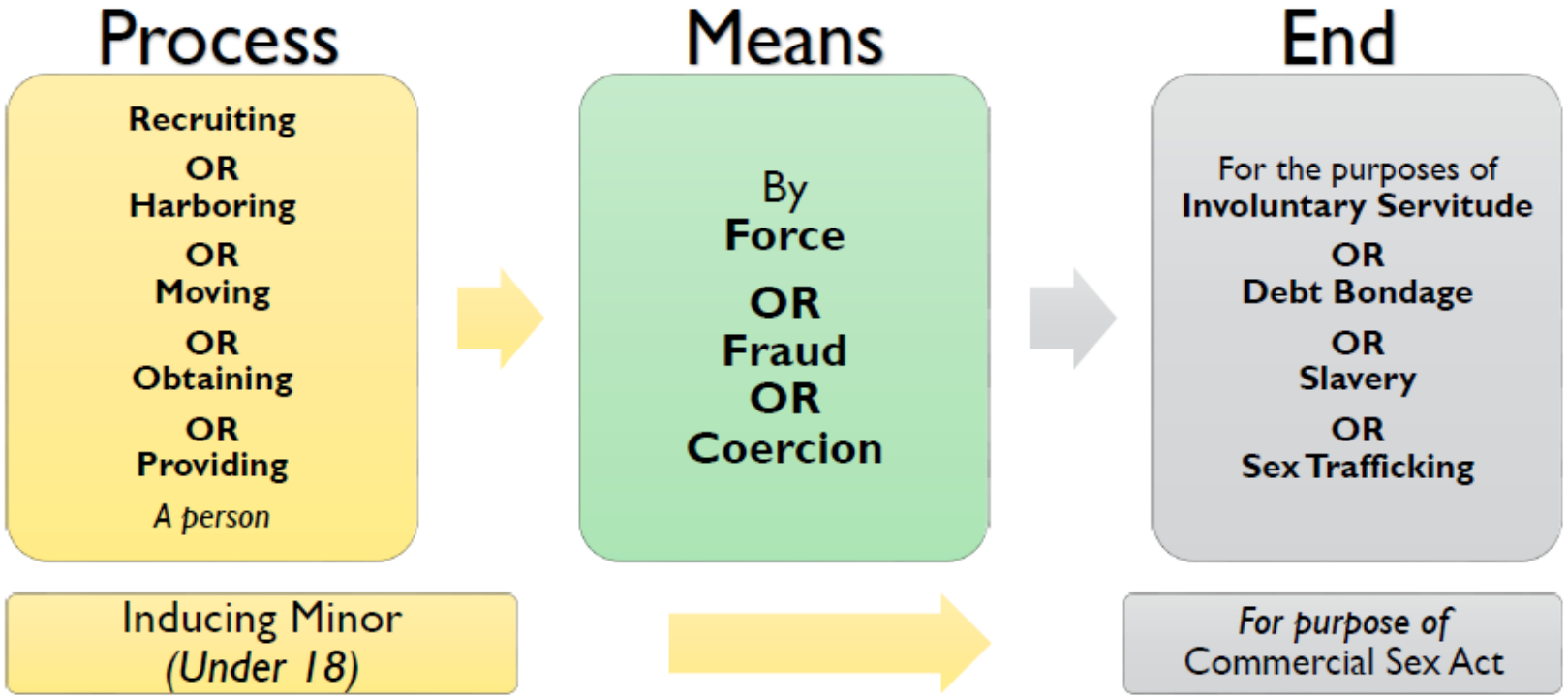
Sex Trafficking

Recruitment, harboring, transportation, provision, or obtaining of a person for a **commercial sex act**, through the use of force, fraud, or coercion, *OR* where the person is a minor

Labor Trafficking

Recruitment, harboring, transportation, provision, or obtaining of a person for **labor or services**, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3 Elements of Trafficking -22 USC § 7102(9)



© 2017

Cast

T Visa Declaration: Process

- **How did the perpetrator find/meet the victim?**
  - Recruiting (it can happen abroad and in the U.S.):
    - Who recruited the victim? What did they promise? Did they have an agreement and/or contract?

OR

  - Harboring:
    - Did the perpetrator provide housing? What were the housing conditions? (i.e. Doors locked? Somebody always present with the survivor?)

OR

  - Transporting:
    - How did the survivor get to the U.S.? Did anyone take the survivor to/from work?

OR

  - Providing/Obtaining:
    - Did the survivor ever hear anyone say that they "owned" them, or that they were "property"?
    - Did someone else directly receive the money the survivor earned?
    - Did someone advertise the survivor's services, or force them to advertise themselves?

T Visa Declaration: Means

- **Force**
  - What physical acts did the perpetrator do to make the survivor perform the labor or services? Physical abuse? Physical restraint?
- **Coercion**
  - Did they make explicit or implicit threats of serious harm / physical restraint to compel labor / services?
  - Was there a scheme, plan, or pattern that caused applicant to believe that failure to perform an act would result in serious harm to, or physical restraint against them, or others?
  - Did they threaten to call the police or immigration if they did not provide labor / services?
- **Fraud**
  - What false promises or statements did the perpetrator make to encourage the survivor to perform the labor or services?

Power and Control Wheel for Trafficking Survivors



T Visa Declaration: Means The Intersection of Trafficking and Domestic Violence

- Trafficking and domestic violence often overlap; DV is frequently used as a tool to extract labor from client
- USCIS has begun dismissing incidents of human trafficking as "simply" DV, and denying T Visas where the trafficker was in a DV relationship with the client
- The trafficking, *not the DV*, should be the main focus of declaration
- Focus on the work conducted
  - How long did they work? How often?
  - What did they do?
  - What were their working conditions?
  - Were they paid for their work? How much?
  - Were there any threats to call police or ICE?
  - Could they leave the workplace when they wanted to?
  - Did they have a key to where they lived?
  - Did they have control of their ID or immigration documents?
  - Were they able to communicate with other family and friends?
  - Why did they do this work?

T Visa Declaration: Ends

- **What labor or services were they made to perform?**
  - Involuntary Servitude
  - Debt Bondage
  - Peonage
  - Slavery
  - Commercial sex act
- **Describe the extent of the labor or services**
  - Hours per day, no breaks, working conditions
- **For commercial sex cases only:**
  - What was the thing of value exchanged for the sex act? (e.g.: money, shelter, food, protection, etc.)
- **For dept bondage or peonage:**
  - Who controlled their debt and how did that person decide whether their labor or services reduced what was owed?

T Visa Declaration: Physical Presence & Reasonable Requests for Assistance

Physical Presence

How does their physical presence in the U.S. relate to the trafficking?

- Brought in by trafficker? Met trafficker in U.S.? Allowed into U.S. to participate in investigation or prosecution?
- How long ago did the trafficking occur?
- How does the trafficking continue to impact their life? Physically and emotionally (i.e. diagnoses, treatment, medication, fear of retaliation, impact on jobs and relationships)?

Note: If survivor leaves the U.S. after the trafficking occurred, they are *no longer eligible* for a T visa

Reasonable Requests for Assistance

Describe applicant's report to law enforcement + compliance with any reasonable request for assistance

- Exceptions for minors or inability to cooperate due to physical or psychological trauma

T Visa Declaration: Extreme Hardship Involving Unusual and Severe Harm Upon Removal

- Hardship does not have to be directly related to trafficking.
- This determination is made on a discretionary basis. Some considerations may include:
  - Age and personal circumstances of applicant
  - Extent of trauma
  - Loss of access to medical / mental health services
  - Possibility of being re-trafficked if returned to same conditions
  - Possibility of retaliation by trafficker
  - Loss of access to U.S. legal system

Reminder For All Declarations: Address Red Flags!

- Client's contact with police, immigration, or other law enforcement, where they were *not* the victim / reporting party
  - If client has criminal history, how have they rehabilitated?
- Client's entries, exits, and stops at the border
- Has the client brought, encouraged, or paid for any family members to enter the U.S. unlawfully?
- Has client ever claimed to be a U.S. Citizen?
- Has the client ever used false documents or provided inaccurate information on an immigration application or to an official?
- Prior deportations / removals from U.S.
- Discrepancies in the supporting documentation
- Lack of evidence

Client's Declaration Should Include All the Statutory Criteria for the Remedy They Are Seeking

Criteria	Self-Petition / I-751	U / T Visa
Marital or familial relationship	X	
Crime reported to law enforcement		X
Helpfulness or Cooperation with Law Enforcement		X
Substantial harm of abuse endured / extreme cruelty and lasting effects	X	X

5 MINUTE BREAK

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Tips & Best Practices for Crafting Declarations

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Trauma-Informed Declaration Writing

- Crafting declarations can be a traumatic experience
- The goal is to develop an approach that obtains more complete information, improves outcomes for their immigration case, helps survivors heal, and reduces re-traumatization as much as possible
- Capturing trauma history through narrative can be a unique opportunity for trauma-informed healing
- Being mindful of how trauma impacts clients and taking care to reduce re-traumatizing is not only in the best interest of the client, but also helps to obtain more and better information

Trauma-Informed Declaration Writing

- Build trust and establish a relationship & rapport
- Explain purpose of declaration and process to client ahead of time
  - What a declaration is and why you're writing it for
  - What kinds of questions will be asked, and that they don't need to answer anything that makes them uncomfortable
- Discuss options with client ahead of time and let them choose their preferred method (i.e. writing first draft on their own or with a friend)
  - BUT final draft must be written *with* and approved by client and *in their voice*
- Know the facts before you start – prompt them with the important dates and events you already know
  - Creating a timeline of events can be helpful during this process
- Choose a private, quiet, distraction free location

Trauma-Informed Declaration Writing

- Have on hand: tissues, water, protein bars / snacks
- Allow time for breaks, and expect the need for multiple sessions
- Be mindful of boundaries and aware of "triggers"
- Be patient
  - During a traumatic event, the conscious part of the brain may not be in charge of the victim's responses. As a result, memories of traumatic events can be hard to retrieve.
  - Don't assume that inconsistencies or failure to disclose, amounts to untruthfulness
  - Fragmented memory retrieval will create jumps from one moment to another – try to catch gaps in physical location, time, etc.
- Validate their experiences
- Affirm their strengths and successes

DOs & DON'Ts

DO:

- Ask open-ended questions
- Be sensitive about note taking
- Use active and reflective listening skills
- When transcribing, use client's own direct words
- Read the declaration back to the client and ask them if they agree with what is written, ensure they understand edits are fine!

DON'T:

- Guess or force the client to give a definitive answer when they're not sure – "I don't know / remember" is better than inaccurate information
- Ask leading questions or assume things
- Use labeling language, i.e. "batterer" "abuser" "victim" "survivor"
- Use legalese when talking to client or writing the declaration
- Fill in the blanks for the client

Working with Interpreters

- Make sure interpreter is comfortable with DV and give copy of questions ahead of time if possible
- Take a few minutes in a "pre-session" to explain the language (a.k.a. affirming, non victim-blaming) that you will be using
- Monitor client's level of comfort with interpreter and check with client to see if they prefer a different interpreter
- Don't use children or relatives as interpreters
- Look at and direct yourself towards the client, not the interpreter

PART V:

CRAFTING ADVOCATE LETTERS OF SUPPORT

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Purpose of Letters of Support

- Verifies client has received domestic violence services
- and / or social services
- Describes client's healing process and severity of abuse
- Supports client's history of abuse (especially if abuse is not reported to police)
- Attests to client's good moral character

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Content of Letters of Support

- Introduction
  - Start with a brief overview of the services your agency offers
  - Describe your qualifications, including your title, and what your work at the organization entails
  - State how long you have worked with the client and how they were referred to you
- Describe what specific services the client has received from you
- Provide a summary of client's journey and *brief* summary of what they have disclosed to you regarding abuse suffered
  - **No need to repeat client's declaration**
  - **Be sure that nothing in your letter contradicts the client's declaration**
- Describe hardships client may face if forced to return to their country of origin

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Additional Notes on Letters of Support

- Address letter(s) to "Dear Adjudicating Officer:" or "To Whom It May Concern:"
- Avoid general statements
- End letter with:

  I declare under penalty of perjury, that the information contained
  in this document is true to the best of my knowledge.

- Provide an electronic draft of your letter of support to NWIRP before finalizing in case edits are needed
- Once finalized, print with the organization's letterhead, sign the letter in blue ink, and send the original copy to NWIRP

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PART VII:
PUBLIC BENEFITS FOR IMMIGRANT SURVIVORS

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Federal Benefits for All Immigrants

The following benefits are available to all immigrants regardless of immigration status (must meet other eligibility requirements):

- Emergency Medical (AEM)
- Women, Infants, and Children Nutrition Program (WIC)
- Elementary and Secondary Public Education (including free and reduced lunch)
- Short-term non-cash disaster relief
- Public health programs for immunization, testing, and treatment of communicable disease symptoms
- Food/clothing banks, public library programs, public park programs
- Head Start
- Financial assistance at Federally Qualified Health Centers and public hospital systems
- Programs that deliver in-kind services, are not means-tested, and are necessary to protect life or safety, as specified by the Attorney General.

State Benefits for All Washington Residents

The following benefits are available to all WA residents regardless of immigration status (must meet other eligibility requirements):

- Certain Apple Health programs (For Pregnant Individuals, After-Pregnancy Coverage, Family Planning Only, Apple Health for Kids, Apple Health Expansion)
- Health Benefit Exchange Qualified Health and Dental Plans, Cascade Care Savings
- Crime Victims Compensations (CVC)
- Washington Application for State Financial Aid (WASFA)
- Department of Labor and Industries Assistance (Worker's Compensation)
- Driver's License and State ID
- Working Families Tax Credit (WFTC)
- ORCA LIFT
- Working Connections Child Care (WCCC)
- Paid Family & Medical Leave (WA PFML) - (if individual has a valid EAD and SSN)
- Unemployment (if individual has a valid EAD and SSN)

DSHS Food and Cash Benefits

Washington is one of six states that provides state-funded food and cash assistance to lawfully present non-qualified immigrants who are ineligible for federally funded SNAP and TANF due to their immigration status.

Who is eligible?

- Individuals preparing an application for a T Visa, U Visa, and/or asylum and have experienced a crime in the United States, and their qualifying family members ("Survivors of Certain Crimes")
- Individuals who are eligible to apply for or have filed an application for Special Immigrant Juvenile Classification (SIJ)
- Individuals who have applied for asylum, VAWA, cancellation or withholding of removal, a T Visa, a U Visa, or Temporary Protected Status (TPS)
- Individuals who have been approved for Deferred Action, Continued Presence, stay of Deportation or Removal, Order of Supervision, Voluntary Departure, or DACA

Available DSHS Programs

- Food Assistance Program (FAP)
- State Family Assistance (SFA)
- Aged, Blind and Disabled Cash Assistance (ABD)
- Housing and Essential Needs (HEN)
- Medical Care Services (MCS) – limited health insurance coverage through DSHS/Apple Health. It is available only to individuals who receive ABD and families who receive SFA and are Survivors of Certain Crimes

SB5164 – Benefits for Survivors of Certain Crimes

Starting in February 2022, individuals ***who have filed or are preparing to file*** an application for a T Visa, U Visa, and/or asylum who have experienced a crime in the United States, and their qualifying family members were able to qualify for state-funded public benefits for Survivors of Certain Crimes.

Qualifying family members include:

- Spouse and children
- When the survivor is under 21 years of age, their parents and unmarried siblings under the age of 18

Two important distinctions:

1. Do not need a Social Security Number in order to continue to receive the benefits. DSHS will still likely request a non-work SSN. It is up to the applicant to decide if they would like to request a SSN or decline.
2. Self-attestation is allowed, however the survivor can bring supporting documents (i.e. Receipt notice, biometrics notice, attorney letter)

More info at DSHS Webpage: Public Benefit Eligibility for Survivors of Certain Crimes

Any issues can be reported to oriainfo@dshs.wa.gov

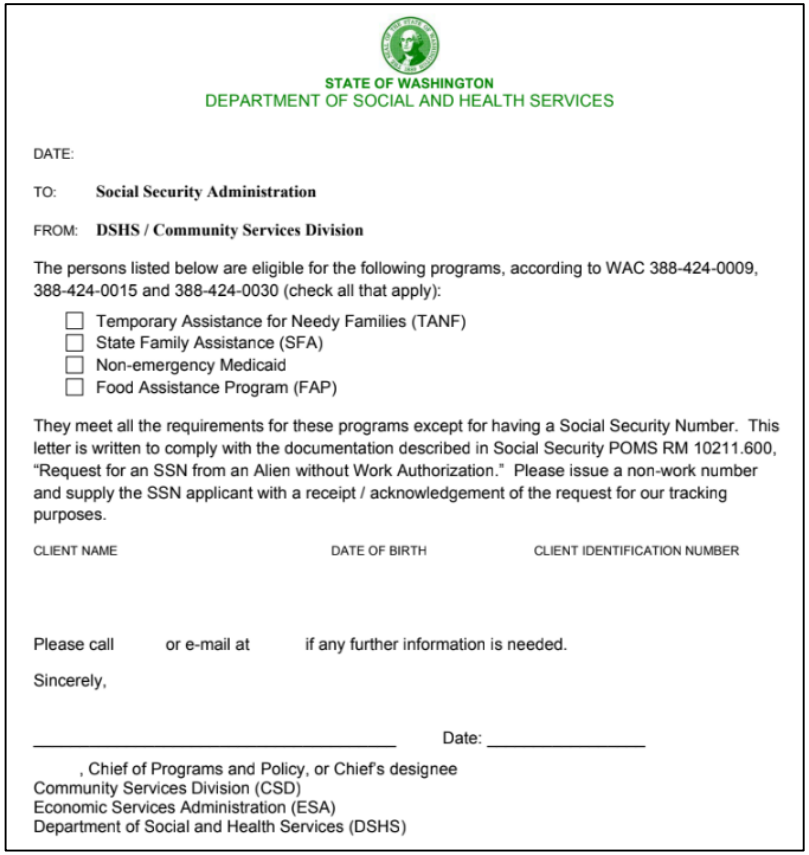
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Non-Work Social Security Numbers

If an individual is approved for DSHS Cash or Food benefits and does not have a SSN, they are required to obtain a non-work SSN*.

Steps to obtain non-work SSN:

1. Request "14-517 Letter requesting non work SSN" letter from DSHS.
2. Schedule appointment at the Social Security Administration (SSA).
3. At SSA appointment:
   - If approved, wait for SSN card to arrive, then provide DSHS with your SSN number.
   - If denied, make sure to request a denial letter in order to show DSHS.



STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

DATE:

TO: **Social Security Administration**

FROM: **DSHS / Community Services Division**

The persons listed below are eligible for the following programs, according to WAC 388-424-0009, 388-424-0015 and 388-424-0030 (check all that apply):

- ☐ Temporary Assistance for Needy Families (TANF)
- ☐ State Family Assistance (SFA)
- ☐ Non-emergency Medicaid
- ☐ Food Assistance Program (FAP)

They meet all the requirements for these programs except for having a Social Security Number. This letter is written to comply with the documentation described in Social Security POMS RM 10211.600, "Request for an SSN from an Alien without Work Authorization." Please issue a non-work number and supply the SSN applicant with a receipt / acknowledgement of the request for our tracking purposes.

CLIENT NAME DATE OF BIRTH CLIENT IDENTIFICATION NUMBER

Please call or e-mail at if any further information is needed.

Sincerely,

_____ Date: _____

, Chief of Programs and Policy, or Chief's designee
Community Services Division (CSD)
Economic Services Administration (ESA)
Department of Social and Health Services (DSHS)

*except Survivors of Certain Crimes

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Survivors of Trafficking – HHS/OTIP Certification

U.S. Department of Health and Human Services (HHS)

Administration for Children & Families (ACF)

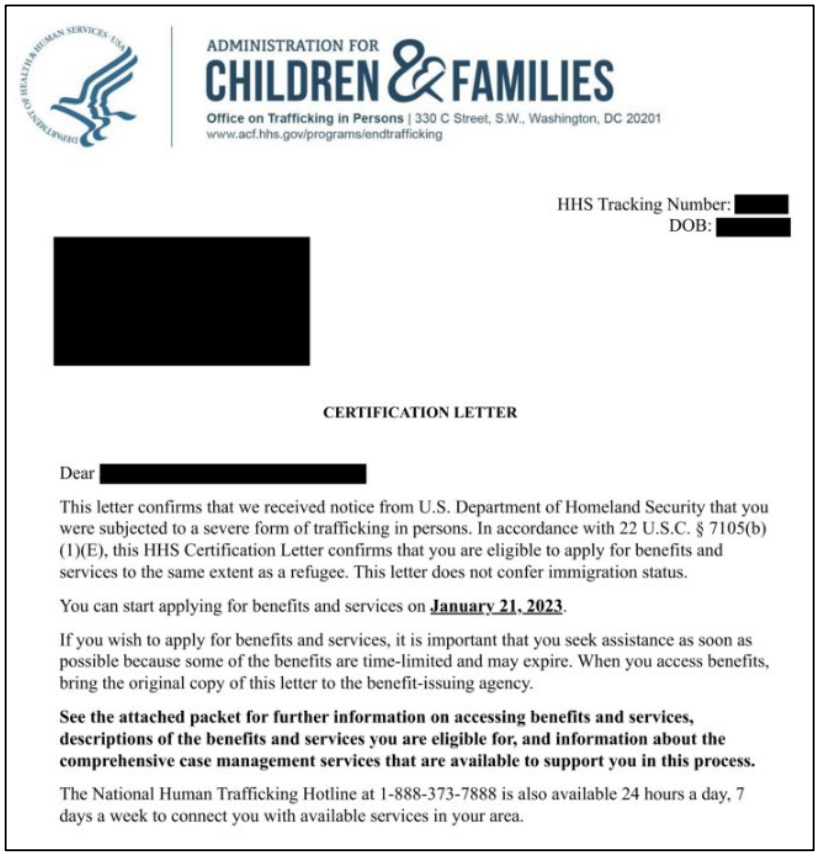
Office on Trafficking in Persons (OTIP)

Four ways to receive a certification letter:

1. Minor who has experienced trafficking either in the U.S. or another country, regardless of whether they are eligible for a T visa – *must request before 18th birthday*
2. Recipient of approved Continued Presence (CP)
3. Recipient of T Visa bona fide determination
4. Recipient of approved T Visa

Public Benefit Access:

- Gain access to ***most*** federal benefits, including TANF, SSI, HUD public housing, Job Corps, and FAFSA.
- After passage of H.R.1 in July 2025, lost access to Medicaid/Medicare, ACA Premium Tax Credits, and SNAP.
- Also gain access to certain ORR funded programs, including Housing Stabilization Services (HSS), Refugee Cash Assistance, Refugee Medical Assistance, and Matching Grant.



ADMINISTRATION FOR CHILDREN & FAMILIES

Office on Trafficking in Persons | 330 C Street, S.W., Washington, DC 20201
www.acf.hhs.gov/programs/endtrafficking

HHS Tracking Number: [redacted]
DOB: [redacted]

[redacted]

CERTIFICATION LETTER

Dear [redacted]

This letter confirms that we received notice from U.S. Department of Homeland Security that you were subjected to a severe form of trafficking in persons. In accordance with 22 U.S.C. § 7105(b)(1)(E), this HHS Certification Letter confirms that you are eligible to apply for benefits and services to the same extent as a refugee. This letter does not confer immigration status.

You can start applying for benefits and services on **January 21, 2023**.

If you wish to apply for benefits and services, it is important that you seek assistance as soon as possible because some of the benefits are time-limited and may expire. When you access benefits, bring the original copy of this letter to the benefit-issuing agency.

See the attached packet for further information on accessing benefits and services, descriptions of the benefits and services you are eligible for, and information about the comprehensive case management services that are available to support you in this process.

The National Human Trafficking Hotline at 1-888-373-7888 is also available 24 hours a day, 7 days a week to connect you with available services in your area.

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Survivors of Trafficking – HHS/OTIP Certification

To request a certification letter, submit request via the Shepherd Case Management System. Takes about 10 minutes.

Case processing times vary, but typically decisions are made within a few days for adults and a few weeks for minors.

If you need to expedite the letter, include the following in your Shepherd request (when prompted):

- Preferred Benefits Start Date
- Reason for urgency (i.e., the individual has emergency medical or housing concerns)

Questions:

- If you are assisting a minor, email ChildTrafficking@acf.hhs.gov
- If you are assisting an adult, email Trafficking@acf.hhs.gov

Public Benefits for Immigrants – Additional Resources

NILC Overview of Immigrant Eligibility for Federal Programs



NILC Overview of Immigrant Eligibility for Federal Programs (Table)

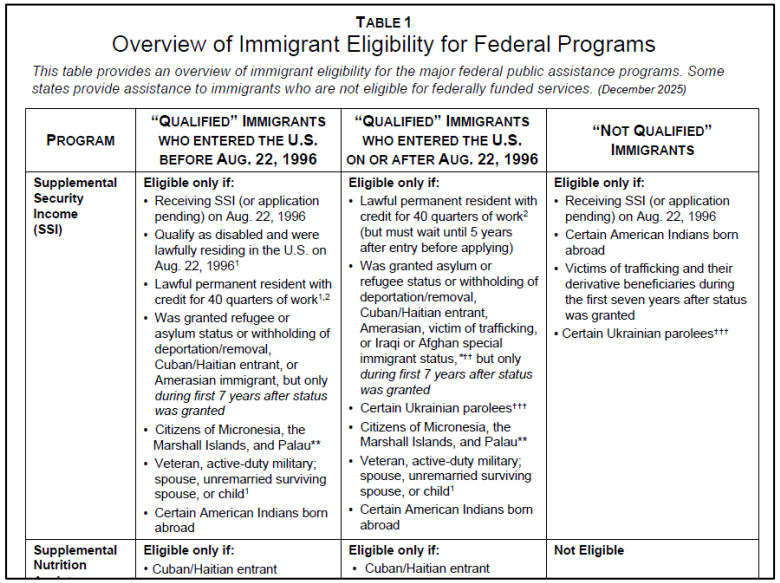


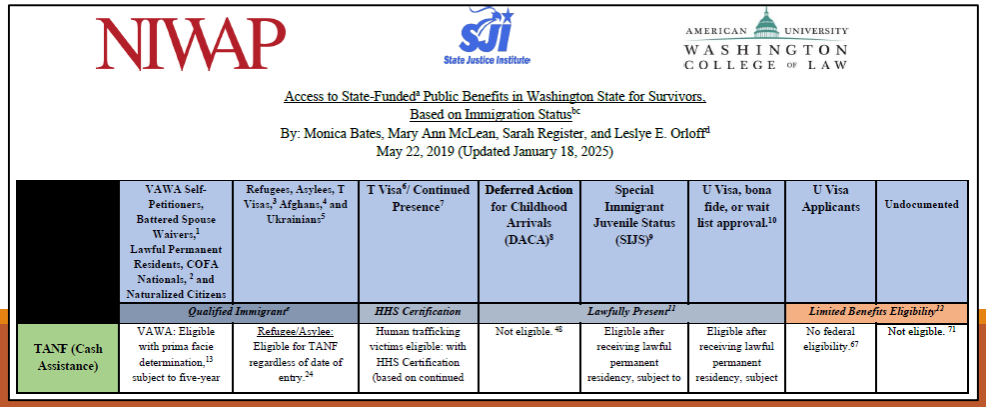
TABLE 1

Overview of Immigrant Eligibility for Federal Programs

This table provides an overview of immigrant eligibility for the major federal public assistance programs. Some states provide assistance to immigrants who are not eligible for federally funded services. (December 2025)

PROGRAM	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. BEFORE AUG. 22, 1996	"QUALIFIED" IMMIGRANTS WHO ENTERED THE U.S. ON OR AFTER AUG. 22, 1996	"NOT QUALIFIED" IMMIGRANTS
Supplemental Security Income (SSI)	**Eligible only if:** • Receiving SSI (or application pending) on Aug. 22, 1996 • Qualify as disabled and were lawfully residing in the U.S. on Aug. 22, 1996[1] • Lawful permanent resident with credit for 40 quarters of work[1,2] • Was granted refugee or asylum status or withholding of deportation/removal, Cuban/Haitian entrant, or Amerasian immigrant, but only *during first 7 years after status was granted* • Citizens of Micronesia, the Marshall Islands, and Palau** • Veteran, active-duty military; spouse, unremarried surviving spouse, or child[1] • Certain American Indians born abroad	**Eligible only if:** • Lawful permanent resident with credit for 40 quarters of work[2] (but must wait until 5 years after entry before applying) • Was granted asylum or refugee status or withholding of deportation/removal, Cuban/Haitian entrant, Amerasian, victim of trafficking, or Iraqi or Afghan special immigrant status, *** but only *during first 7 years after status was granted* • Certain Ukrainian parolees††† • Citizens of Micronesia, the Marshall Islands, and Palau** • Veteran, active-duty military; spouse, unremarried surviving spouse, or child[1] • Certain American Indians born abroad	**Eligible only if:** • Receiving SSI (or application pending) on Aug. 22, 1996 • Certain American Indians born abroad • Victims of trafficking and their derivative beneficiaries during the first seven years after status was granted • Certain Ukrainian parolees†††
Supplemental Nutrition	**Eligible only if:** • Cuban/Haitian entrant	**Eligible only if:** • Cuban/Haitian entrant	**Not Eligible**

NIWAP Public Benefit Charts and Interactive Public Benefits Maps



NIWAP

State Justice Institute

American University Washington College of Law

Access to State-Funded[a] Public Benefits in Washington State for Survivors Based on Immigration Status[bc]

By: Monica Bates, Mary Ann McLean, Sarah Register, and Leslye E. Orloff[d]

May 22, 2019 (Updated January 18, 2025)

	VAWA Self-Petitioners, Battered Spouse Waivers,[1] Lawful Permanent Residents, COFA Nationals,[2] and Naturalized Citizens	Refugees, Asylees, T Visas,[3] Afghans,[4] and Ukrainians[5]	T Visa[6]/ Continued Presence[7]	Deferred Action for Childhood Arrivals (DACA)[8]	Special Immigrant Juvenile Status (SIJS)[9]	U Visa, bona fide, or wait list approval.[10]	U Visa Applicants	Undocumented
	Qualified Immigrant[e]		*HHS Certification*	*Lawfully Present[11]*			*Limited Benefits Eligibility[12]*	
TANF (Cash Assistance)	VAWA: Eligible with prima facie determination,[13] subject to five-year	Refugee/Asylee: Eligible for TANF regardless of date of entry.[24]	Human trafficking victims eligible: with HHS Certification (based on continued	Not eligible.[46]	Eligible after receiving lawful permanent residency, subject to	Eligible after receiving lawful permanent residency, subject	No federal eligibility.[67]	Not eligible.[71]

“Public Charge” Rule

Northwest IMMIGRANT RIGHTS Project

Public Charge Rule

The new version of the Public Charge rule went into effect on September 18, 2026.*

It only applies to a small group of immigrants, most notably immigrants who are applying for their Lawful Permanent Residence (green card) through a family petition.

The rule does **NOT** apply when someone:

- Already has their green card or renews their green card (unless the green card holder leaves the United States for more than 180 days)
- Applies for citizenship

The Public Charge rule does **NOT** apply to those seeking status via:

- VAWA,
- Asylum,
- Refugees,
- T-Visa,
- U-Visa, or
- Special Immigrant Juvenile Classification (SIJ).

**A few lawsuits have been filed to challenge the rule, so it is important to check for updates.*

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Public Charge Resources

The new rule now allows immigration officers to consider all past use of means-tested benefits when they are making their determination whether an applicant for Lawful Permanent Residency (green card) is likely to become a public charge.

Immigration officers will also consider many other factors, including age, health, income and resources, education, and work history.

Remember: many immigrants who apply for their green card remain exempt from the Public Charge rule by law.

For more information, please visit the following resources:

- Protecting Immigrant Families (PIF) Public Charge Regulation Toolkit
- National Immigration Law Center (NILC) Table: Who is Subject to Public Charge?
- NWIRP Webinar Recording, August 27, 2026: New Public Charge Rule: Changes and Impact

Northwest IMMIGRANT RIGHTS Project

PART VII:

ADDITIONAL UPDATES

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FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- As we have seen over the past two days, immigration law is extremely complicated, and changes quickly!
- An individual who wants to apply for immigration relief needs to know all of risks and benefits of doing so.
- NWIRP strongly urges potential applicants to obtain individualized legal advice regarding their situation.
- BUT, NWIRP is also facing the reality of being a nonprofit where the demand for services will always be greater than our limited resources.
- So, how can a person find representation?

FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- Our Friends at ASISTA created a guide called "How To: Find Immigration Legal Help & Avoid Notario Fraud"
- See also the American Immigration Lawyers Association (AILA) search page: Find An Immigration Lawyer
- Things to look for:
  - Is the person a licensed attorney? Look them up on their state bar website.
  - Are they accredited as a representative by the Department of Justice? Look them up on the Accredited Representatives Roster.

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FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- Avoid Notario Fraud!
  - If a person is not a licensed attorney, nor a representative accredited by the Department of Justice, then they are likely not authorized to practice immigration law.
  - In some countries, a notary public ("notario" in Spanish), may perform some of the same functions as attorneys, but that is *not* the case in the U.S., or in Washington State.

FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- Avoid Unscrupulous Attorneys! (aka the Rise and Fall of the Tik Tok Lawyers!)
  - There are some immigration attorneys who are fully licensed, but who nevertheless take advantage of the community and cause real harm.
  - If someone promises a "miracle" or states that they can access certain loopholes in the law that other attorneys cannot, that is not a credible claim. The immigration laws are the same for everyone, and all attorneys are bound by the Rules of Professional Conduct.

FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- The abrupt resignation of immigration attorney Alexandra Lozano (Alexandra Lozano Immigration Law, aka Luz Legal) from the WSBA, in lieu of discipline, in May 2026 has created a crisis situation in Washington and beyond.
  - She marketed herself heavily in the Spanish-speaking community in WA and across the U.S.
  - The primary forms of relief she was pursuing were I-360 VAWA Self-Petitions and I-914 T Visas.
  - At the time of resignation, she had 35,000 clients and over 53,000 applications pending with USCIS.
  - As of today, she has not been charged criminally, but there are at least two civil lawsuits pending against her that allege fraud.

FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- Lozano Fallout
  - Prior to the resignation, USCIS had already started subjecting applications filed by the Lozano firm to heightened scrutiny, and began denying hundreds of the applications for using electronic signatures (instead of original "wet" signatures).
  - Because of the NTA policy, the clients with denied petitions were automatically placed in removal proceedings.
  - USCIS took the unusual step of issuing a public statement: Important Notice for Clients of Former Immigration Attorney Alexandra Lozano

FINDING QUALITY IMMIGRATION LEGAL REPRESENTATION

- Lozano Fallout
  - WSBA has a page called Help for Clients of Alexandra Lozano
  - NWIRP also published Community Advisory: Know Your Rights After Ending Representation with an Attorney or Legal Representative in multiple languages
    - Ask for the complete file
    - Keep important documents and proof of payment
    - Track case status online through USCIS, EOIR, or the BIA
    - Seek new qualified legal representation as soon as possible

PART VIII:

QUESTIONS?

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www.nwirp.org

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HOW TO REFER IMMIGRANT SURVIVORS TO NWIRP

EASTERN WASHINGTON

Granger Office
Serving individuals in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Yakima, Walla Walla, and Whitman counties
Email: grangerintake@nwirp.org
Phone: 509.854.2100
Toll Free: 888.756.3641

Wenatchee Office
Serving individuals in Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties
Email: wenatcheeintake@nwirp.org
Phone: 509.570.0054
Toll Free: 866.271.2084

WESTERN WASHINGTON

Seattle Office
Serving individuals in Island, King, San Juan, Skagit, Snohomish, and Whatcom counties.
Email: vawaintake@nwirp.org
VAWA Intake Phone: 206.957.8621
Main Phone: 206.587.4009
Toll Free: 800.445.5771

Tacoma Office
Serving individuals living in Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Kitsap, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum counties.
Email: TSUintake@nwirp.org
Phone: 206.816.3893

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