

Family Court Bench Card on Issues That Arise in Custody Cases Involving Immigrant Parents, Children and Crime Victims¹

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October 13, 2013

Ensuring That Best Interest of the Child Standards Apply to Families That Include Immigrants

In recent years a growing number of families coming before state family courts are “mixed-status” families that contain at least one undocumented immigrant and one citizen family member.³ Foreign born persons make up 13% of the U.S. population⁴ and 24% of children ages 17 and under live in households with at least one immigrant parent.⁵ As a result increasing numbers of state court judges are adjudicating custody cases involving immigrant litigants and children. This Bench Card is designed to provide court access to accurate information that will help courts fairly judge cases in which immigration issues, questions or concerns are raised by litigants in custody cases.

Domestic Violence, Immigration and Best Interest of the Child

Judicial actions affecting the care of children are under state law to be determined using the “best interest of the child” standard and this is particularly true in families experiencing domestic violence.⁶ Best practices and evidence-based research support consideration of domestic violence in custody cases.⁷ Abusers use child custody litigation as a vehicle to maintain control over the victims.⁸ Domestic violence is harmful to the entire family.⁹ The American Bar Association (ABA) has long taken the position that any history of abuse toward an adult in the home of the parent seeking custody must be considered the primary factor in applying the “best interest” standard.¹⁰ The ABA has also recognized that:

“Batterers whose victims are immigrant parents use threats of deportation to avoid criminal prosecution for battering and to shift the focus of family court proceedings away from their

¹ This document was developed under grant number SJI-12-E-169 from the State Justice Institute. The points of view expressed are those of the author(s) and do not necessarily represent the official position or policies of the State Justice Institute.

² Copyright © The National Immigrant Women’s Advocacy Project, American University Washington College of Law 2013.

³ Pew Hispanic Center, A Nation of Immigrants: A Portrait of the 40 Million, Including 11 Million Unauthorized (January 29, 2013) available at http://www.pewhispanic.org/files/2013/01/statistical_portrait_final_jan_29.pdf

⁴ American Community Survey 2011, U.S. Census Bureau.

⁵ Emma Britz and Jeanne Batalova, US in Focus: Frequently Requested Statistics on Immigrants and Immigration in the United States (Migration Policy Institute, January 2013) available at <http://www.migrationinformation.org/USfocus/display.cfm?id=931#7>

⁶ See generally, Mo Therese Hannah, Ph.D. and Barry Goldstein, J.D., DOMESTIC VIOLENCE, ABUSE, AND CHILD CUSTODY: LEGAL STRATEGIES AND POLICY ISSUES (Civic Research Institute, 2010); See also Natalia Lee, State by State Child Best Interest Chart (March 20, 2013) available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/family-law-for-immigrants/custody/State%20by%20State%20Best%20Interests%20Chart.pdf/view>

⁷ See e.g. Evan Stark, Rethinking Custody Evaluation in Cases Involving Domestic Violence, *Journal of Child Custody*, 6: 287-321. 2009; Jay G. Silverman, Cynthia M. Mesh, Carrie V. Cuthbert, Kim Slote, and Lundy Bancroft, Child Custody Determinations in Cases Involving Intimate Partner Violence: a Human Rights Analysis, *Am J Public Health*. 2004 June; 94(6): 951-957

⁸ Daniel G. Saunders, *Child Custody Decisions in Families Experiencing Woman Abuse*, 39 *SOCIAL WORK* 51, 53 (1994); Barbara Hart, *Family Violence and Custody Orders*, 43 *JUV. & FAM. CT. J.* 29, 33-34 (1992)

⁹ Naomi Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions*, 44 *VAND. L. REV.* 1041, 1072 (1991)

¹⁰ Howard Davidson, *THE IMPACT OF DOMESTIC VIOLENCE ON CHILDREN: A REPORT TO THE PRESIDENT OF THE AMERICAN BAR ASSOCIATION* (Aug. 1994) available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/immigrant-families-and-children/The-Impact-of-Domestic-Violence-on-Children.pdf/view>

violent acts... When the judicial system condones these tactics, children suffer. Victims of domestic violence who cannot receive relief from the criminal justice system, or who risk losing custody, return to their batterers... In addition, parties should not be able to raise, and courts should not consider, immigration status of domestic violence victims and their children in civil protection order, custody, divorce or child support proceedings. This change will ensure that children of immigrant domestic violence victims will benefit from reforms in the laws (like presumptions against awarding custody or unsupervised visitation to batterers) in the same manner as all other children.”¹¹

Parents have fundamental liberty and privacy interests in the care and custody of their children, a right protected by the U.S. Constitution.¹² These constitutional protections regarding the parent-child relationship apply equally to all parents and children without regard to immigration status. The Supreme Court of Nebraska addressed this issue in a unanimous decision¹³ stating that there is an

“[o]verriding presumption that the relationship between parent and child is constitutionally protected and that the best interests of a child are served by reuniting the child with his or her parent. This presumption is overcome only when the parent has been proven unfit.”¹⁴

The Nebraska Supreme Court found that an immigrant parent does “not forfeit her parental rights because she was deported.”¹⁵ The right applies to all immigrant parents, without regard to their immigration status, whether or not the parent is deported from the United States. Further the court stated “we do not conclude that Maria’s attempt to bring herself and her child into the United States, in the belief that they would have a better life here, shows an appreciable absence of care, concern or judgment.”¹⁶ The Supreme Court confirmed that courts in best interest cases should not engage in “culture clash” comparisons.

“Whether living in Guatemala or the United States is more comfortable for the children is not determinative of the children’s best interests. We reiterate that the best interests of the child standard does not require simply that a determination be made that one environment or set of circumstances is superior to another.”¹⁷

Other courts have correctly recognized that decisions must be based on clear and convincing evidence of parental misconduct or inability, and not speculation the “vagaries or vicissitudes that beset every family on its journey through the thickets of life.”¹⁸

Immigration Relief Is Available For Domestic Violence and Child Abuse Victims in Custody Cases

Although immigration issues can arise in any custody case involving mixed immigration status families, immigration status of is more likely to be used by one parent against the other parent in families experiencing domestic violence. Immigration related abuse which includes threats of deportation, refusal to file or threats to withdraw or revoke immigration cases filed on the immigrant

¹¹ Id. at 19-20.

¹² *Stanley v. Illinois*, 405 U.S. 645, 651, 92 S.Ct. 1208, 1212, 31 L.Ed.2d 551 (1972); and *Meyer v. Nebraska*, [262 U.S. 390, 399, 43 S.Ct. 625, 626, 67 L.Ed. 1042 \(1923\)](#)

¹³ In re Interest of Angelica L., 277 Neb. 984, (2009)

¹⁴ Id at 1007

¹⁵ Id at 1009

¹⁶ Id at 1007

¹⁷ Id at 1009

¹⁸ In Re M.M., 587 S.E. 2d 825, 833

parent's behalf are 10 times more prevalent in families where physical and sexual violence is also occurring than in emotionally abusive relationships.¹⁹ Abusers of non-citizen parents use threats to obtain custody and cut off access to the children as coercive control that are effective in keeping battered immigrants from leaving abusive relationships and seeking court and police assistance to stop abuse.²⁰ Most battered immigrants only seek help from courts and police, because they learn about justice system help for domestic violence from community based advocates and legal services programs.²¹ However, the courts and police regularly encounter battered immigrants and are the first agencies with interpreters through whom the victim can communicate her experiences with domestic abuse. For that reason courts should have available for distribution at the courthouse brochures that provide an overview of immigrant victims legal rights under U.S. immigration laws.²²

When courts find in the context of a custody, protection order, child support, divorce or criminal case that domestic violence is occurring in a family that includes immigrant family members, it is highly likely that immigrant victims of intimate partner violence (same sex or heterosexual), child abuse, or elder abuse will qualify for immigration relief created by the Violence Against Women Act (VAWA), the Trafficking Victims Protection Act (TVPA) and other immigration laws. However, many or may not be aware of this fact at the time of the family court proceedings. The primary forms of immigration relief immigrant victims of domestic violence, child abuse, elder abuse, human trafficking, stalking, sexual assault, dating violence and other violent crimes are eligible for include: VAWA self-petitioning, VAWA cancellation of removal, VAWA suspension of deportation, Battered Spouse Waiver, U visas for crime victims, T visas for human trafficking victims, Special Immigrant Juvenile Status, or Deferred Action for Childhood Survivors.²³ Some immigrant crime victims will come to court and will not know these remedies exist. Others will be in the process of applying for these remedies but may not reveal that fact in the family court proceeding because both the fact that the victim has filed for victim related immigration protections and the contents of the immigration files are protected by VAWA confidentiality under immigration law is designed to ensure that the victim can obtain legal immigration status without the knowledge, cooperation or assistance of the abuser.²⁴ The system is designed to offer protection for victims who continue to reside with the abuser or work for the abusive employer until their immigration application has been approved and the victim obtains employment authorization which can take an average of 1 year to 18 months.²⁵

Common Immigration Status Issues Arising In Custody Cases

In custody cases state statutes require that courts issue custody orders based upon best interest of the child and primary caretaker determinations. The majority of courts that have taken immigration status into consideration have ruled that, immigration cannot be the dispositive factor in a custody

¹⁹ Mary Ann Dutton, Leslye E. Orloff, & Giselle Aguilar-Hass, Characteristics of help-seeking behaviors, resources, and service needs of battered immigrant Latinas: Legal and policy implications. 7 *Georgetown Journal of Poverty Law & Policy* 245, 292 (2000)

²⁰ *Id.* at 302; Research has found that the four most significant barriers preventing battered immigrants from leaving abusive homes are 1) fear of deportation/immigration as a tool of abuse, 2) severity of the abuse, 3) fear of losing custody, and 4) language access. See, Mary Ann Dutton, Nawal Ammar, Leslye Orloff, and Darci Terrell, Use and Outcomes of Protection Orders by Battered Immigrant Women: REVISED FINAL TECHNICAL REPORT (National Institutes of Justice Grant # 2003-WG-BX-1004)(November 10, 2006) p. 1 available at http://niwaplibrary.wcl.american.edu/reference/additional-materials/family-law-for-immigrants/protective-orders/research-reports-and-data/RSRCH_DV_Use_Outcomes%20Protection_Orders.pdf/view

²¹ Nawal H. Ammar, Leslye E. Orloff, Mary Ann Dutton and Giselle A. Hass, Battered Immigrant Women in the United States and Protection Orders : An Exploratory Research Criminal Justice Review 2012 37: 337, 349-352 (August 2012)

²² DHS brochures on crime victims legal rights are available in multiple languages at <http://niwaplibrary.wcl.american.edu/cultural-competency/multilingual-materials-for-victims/dhs-immigration-options-for-crime-victims>

²³ Benish Anver, *Family Court Bench Card on Immigrant rights of Battered Spouses and Children*. See also Charles Palladino, *Overview of Types of Immigrant Status* available at.

²⁴ Benish Anver and Leslye E. Orloff, *Family Court Bench Card on Violence Against Women (VAWA) Confidentiality*.

²⁵ Leslye E. Orloff, National Survey on Timing of Access to Work Authorization by Immigrant Victim VAWA Self-Petitioners and U-Visa Applicants (June 4, 2012) available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/research-reports-and-data/research-US-VAIW/Timing-of-Access-to-Work-Authorization-6.4.12.pdf/view>

determination.²⁶ Issues about immigration status are most often raised in custody cases in one of two ways: 1) an opposing party will raise the immigration status of the opposing party to gain advantage in the custody case; or 2) a foreign born litigant will raise immigration status issues about their own status as evidence of immigration related abuse, to explain that they have obtained or are obtaining legal status, or to explain what benefits they can and cannot access and why they need child or spousal support. When courts have correct information about immigration laws judges are better able to hold hearings and issues rulings in custody cases that reflect an accurate understanding of current immigration laws and policies resulting in the fair administration of justice and that is free from bias.

A review of family court decisions nationally reveals that many courts are granting custody to immigrant parents without making the immigration status of the undocumented parent a factor in the custody case.²⁷ However this review found subsets of reported cases in which the custody determinations were based on incorrect information and assumptions about immigration laws, or bias that lead to immigrant parents unjustly losing the custody of children. These trends followed by correct information about immigration laws and policies are summarized below:²⁸

Parent Must Be Awarded Custody to Be Able to Confer Immigration Status to Their Children
Throughout immigration law a parent's ability to file an application with the Department of Homeland Security sponsoring a child to attain legal immigration status is government by the existence of the parent-child relationship. A parent's ability to file an application for immigration relief for their child is not related to whether or not the sponsoring parent has custody of the child.²⁹ Immigrant crime victims who qualify for immigration relief under VAWA, the T visa or the U visa can include their immigrant children in their applications and the children will attain legal immigration status along with their crime victim parents.³⁰ There are ONLY TWO instances when custody has any on an immigration case.

- When a child of a citizen parent is born and resides outside of the United States, to confer citizenship, the child must live in the custody of the citizen parent.³¹ Since the child and the parent both reside outside the United States, these cases are unlikely to come before state family court judges in custody proceedings.
- When a lawful permanent resident child is living with a citizen parent the child can apply for citizenship after three years of lawful permanent residency.³² No legal custody order is required. If the parents of the lawful permanent resident child separate or divorce and legal custody is granted to the non-citizen parent the child will need to wait 5 years before they can

²⁶ See *Florentino v. Woods* (In re parentage of Florentino), No. 25966-4-II, 2002 Wash. App. LEXIS 1896 (Wash. Ct. App. Aug. 9, 2002) (determining that the father's immigration status did not affect the child and awarding him custody); *In re Dependency of J.B.S.*, 123 Wn.2d 1, 12, 863 P.2d 1344 (1993); *Alfred v. Braxton*, 442 Pa.Super. 381, 385 (1995) (holding that immigration status can only be considered in relation to the best interests of the child, or its "effect upon the child's physical, intellectual, moral and spiritual well-being")

²⁷ *Castro v. United States*, 560 F.3d 381, 383-384 (2009). (The father was an unlawful immigrant from Mexico whereas the mother, who abandoned the family, was a U.S. citizen. Since the mother did not seek custody, the local police department and child protective services, as recognized by the court, held that the father had custody of the child); see also *Rory H. v. Mary M.*, 2003 NY Slip Op 51600U (2003) (determining that the best interests of the child was to be with the mother, a native of Ireland even though she could not continue to live in the United States legally. The court determining custody did consider immigration status, stating that it would be preferable for the US citizen child to stay in this country and receive all its benefits. The court ultimately held that the children's mother should receive custody because she can still provide the best opportunities for their child, including nearby family, free medical care, schooling and rent-free living with the mother's parents in Ireland, and support payments from the father.)

²⁸ For more information see generally SORAYA FATA,* LESLYE E. ORLOFF, ANDREA CARCAMO-CAVAZOS, ALISON SILBER, & BENISH ANVER, *Custody of Children in Mixed Status Families: Preventing the Misunderstanding and Misuse of Immigration Status in State Court Custody Proceedings*, Volume 47, Number 2, *Family Law Quarterly*, 191 Summer 2013 (Pending publication)

²⁹ To look up a parent's ability to sponsor a child for legal immigration status by the type of immigration or citizenship status the parent has, see Leslye E. Orloff, Andrea Cavazos Carcamo, and Lucia Macias, *Immigration Status: Work Authorization, Public Benefits, and Ability to Sponsor Children* (April 17, 2013) available at <http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/access/Immigration-Status-Chart.pdf/view>

³⁰ INA §§204(a)(1)(A)(iii)-(v); INA §101(a)(15)(U)(ii), 8 C.F.R. § 214.14(a)(10),(f).

³¹ INA §322(a); 8 U.S.C. §1433

³² INA §320(a), 8 U.S.C. §1431 (1952)

apply for citizenship.³³ Exception: If the child attained lawful permanent residency through VAWA either as an abused child or the child of an abused immigrant parent, the child will be able to naturalize in 3 years.³⁴

Undocumented or Temporary Immigration Status Means that the Immigrant Parent is at Risk of Removal From the United States: In cases involving domestic violence, child abuse, elder abuse and other immigrant crime victims the Department of Homeland Security has issued a series of policies designed to prevent the deportation or removal of crime victims and witnesses.³⁵ Once an immigrant crime victim has filed an application for immigration relief that DHS has deemed valid DHS cannot initiate immigration enforcement, detention or removal actions against the victim and children included in the victim's application.³⁶ DHS has issued policy memos that place undocumented parents with children on the low priority list for removal, and order DHS enforcement officials not to detain primary caretakers of children, nursing mothers and pregnant women, unless the immigrant poses a danger to national security or public safety.³⁷

Immigration Status Impacts the Child's Stability and the Parent's Ability to Provide for Their Child: Immigrant victims of domestic violence, child abuse and other crimes will ultimately receive work authorization through their VAWA, U visa or T visa immigration case.³⁸ When the immigrant parent or their child has been a victim of domestic violence, if the abuse is their citizen or lawful permanent resident spouse or parent the reason the immigrant parent lacks legal work authorization was caused by the abusive spouse or parent's choice not to an immigration case. Courts can award custody to the immigrant parent and order the citizen or lawful permanent resident parent to pay child support. Lack of immigration status does not mean, as a matter of fact, that the immigrant parent is not working. Many immigrants are in fact working in the United States in the informal economy despite not having work authorization.³⁹ Courts deciding child support in cases involving non-citizen parents courts across the country make child support awards based upon the income the non-custodial parent is earning.⁴⁰ Courts have ruled that a custodial parent can obtain child support regardless of the other parent's immigration status.⁴¹

³³ INA § 316(a)(1), 8 U.S.C. § 1427(a)(1)

³⁴ William R. Yates, Clarification of Classes of Applicants Eligible for Naturalization under Section 319(a) of the Immigration and Nationality Act (INA), as amended by the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA). Pub. L. 106-386 (January 27, 2005) available at <http://niwaplibrary.wcl.american.edu/immigration/other-immigration/naturalization/view>

³⁵ Julie L. Meyers, Assistant Secretary, Immigration Customs Enforcement, Memorandum to All Field Office Directors and All Special Agents in Charge, *Prosecutorial and Custody Discretion*, November 7, 2007, available at: <http://iwp.legalmomentum.org/reference/additional-materials/immigration/enforcement-detention-and-criminal-justice/government-documents/Myers-Memo-Custody-Discretion-11-7-07.pdf> John Morton, Director, Immigration Customs Enforcement, Memorandum to All Officers, *Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens*, June 17, 2011, available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/enforcement-detention-and-criminal-justice/government-documents/Morton-6.17.11Prosecutorial-discretion-memo.pdf/view>; John Morton, Director, Immigration Customs Enforcement, Memorandum to All Officers, *Prosecutorial Discretion: Certain victims, Witnesses, and Plaintiffs*, June 17, 2011, available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/enforcement-detention-and-criminal-justice/government-documents/Morton-CertainVictimsWitnessesandPlaintiffs-Memo-06-17-2011.pdf/view>.

³⁶ U.S. Department of Homeland Security, *DHS Broadcast Message on New 384 Class of Admission Code*, December 21, 2010, available at: <http://niwaplibrary.wcl.american.edu/reference/additional-materials/immigration/enforcement-detention-and-criminal-justice/government-documents/message-to-DHS-384-COA-Final-12.21.10.pdf/view>

³⁷ John Morton, Director, Immigration Customs Enforcement, Memorandum to All Immigration Customs Enforcement Employees, *Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens*, March 2, 2011, available at: <http://www.ice.gov/doclib/news/releases/2011/110302washingtondc.pdf>

³⁸ INA §106

³⁹ David B. Thronson, *Of Borders and Best Interests: Examining the Experiences of Undocumented Immigrants in U.S. Family Courts*, 11 Tex. Hisp. J.L. & Pol'y 45, 70 (2005). See also President Barack H. Obama, Remarks at Del Sol High School on Comprehensive Immigration Reform (January 29, 2013, available at: <http://www.whitehouse.gov/the-press-office/2013/01/29/remarks-president-comprehensive-immigration-reform>

⁴⁰ Establishing what an immigrant parent is earning can be difficult, particularly for parents working in the informal economy. Courts have looked at factors like the ability to make car payments and installment payments non-essential items like home entertainment systems as a means to gauge ability to pay child support. Child support payments should be made through the court and by wage withholding when possible.

⁴¹ *Asal v. Asal*. 960 P.2d 849 (1998)

Undocumented Immigration Status Does Not Place the Child at Risk of Parental Kidnapping:

Immigrant parents with children in the United States who are undocumented and who are eligible for VAWA, U visa or T visa, or another form of immigration relief are unlikely to leave United States, since amendments to U.S. immigration laws created 3 year, 10 year and permanent bars to reentry that could cut parents off from their children permanently if the parents leave the United States.⁴² In determining the risk of parental kidnapping, courts consider factors other than immigration status.⁴³ U.S. Department of Justice funded research on the likelihood of international child kidnapping found that common characteristics among international child abductors include:⁴⁴

- strong ties to another country;
- involvement in a marriage or intimate partner relationship with a partner from a different ethnicity, culture and/or country of origin;
- threats to abduct the children or some prior form of actual abduction;
- the parent feeling alienated from the U.S. legal system; and
- harboring suspicious beliefs that the child has been abused, or
- the parent has paranoid or delusional tendencies or exhibits psychopathic behavior.

Immigration Status Does Not Impact the Immigrant Parent's Ability to Obtain Public Benefits on the Child's Behalf: Any custodial parent can apply for public benefits on that their child qualifies to receive based on the citizenship or immigration status of the child.⁴⁵ When the immigrant parent files for benefits on behalf of their child, state and federal benefits granting agencies are only allowed to ask for immigration status information and social security numbers for the immigrant child applying for benefits.⁴⁶ If the immigrant victim of domestic violence qualifies for VAWA immigration relief the victim and immigrant children included in the application become qualified immigrants eligible to receive some state and federal public benefits.⁴⁷ Once DHS has determined that the battered immigrant has filed a valid case, DHS will issue a prima facie determination that provides access to public benefits, usually within 3 months of filing their VAWA self-petition.⁴⁸

⁴² INA § 212(a)(6) and 212(a)(9)

⁴³ See *Rory H. v. Mary M.*, 13 A.D.3d 373 (2004)(the court's decision rested upon the fact that the immigrant mother had sent a letter to a family member stating that she was planning to leave the country with her children); *Matter of Welsh v. Lewis*, 292 A.D.2d 536 (N.Y. App. Div. 2002)(court took into consideration many factors, besides immigration status, to determine to grant custody to immigrant mother, who had already relocated to Ireland with her children); and *In Re Ish-Shalom v. Wittman*, 19 A.D.3d 493, 494 (N.Y. App. Div. 2005) (the court decided that the mother was likely to kidnap the children based on the fact that the immigrant mother had transferred her kids to another jurisdiction despite the Judge's instructions indicating not to do so).

⁴⁴ Janet Chiancone, Linda Girdner & Patricia Hoff, U.S. Department of Justice, *Issues in Resolving Cases of International Child Abduction by Parents*, Juvenile Justice Bulletin, December 2001, available at: <https://www.ncjrs.gov/pdffiles1/ojdp/190105.pdf>.

⁴⁵ DEP'T OF HEALTH & HUMAN SERV. & DEP'T OF AGRIC., POLICY GUIDANCE REGARDING INQUIRIES INTO CITIZENSHIP, IMMIGRATION STATUS AND SOC. SEC. NO. IN STATE APPLICATIONS FOR MEDICAID, STATE CHILDREN'S HEALTH INS. PROGRAM (SCHIP), TEMP. ASSISTANCE FOR NEEDY FAMILIES (TANF), AND FOOD STAMP BENEFITS (2003), available at:

<http://www.hhs.gov/ocr/civilrights/resources/specialtopics/origin/policyguidanceregardinginquiriesintocitizenshipimmigrationstatus.html>. See also Anna Pohl, Hema Sarangapani, Amanda Baran, & Cecilia Olavarria, *Barriers to Accessing Services: The Importance of Advocates Accompanying Battered Immigrants Applying for Public Benefits*, Ch. 4.3 in *BREAKING BARRIERS: A COMPLETE GUIDE TO LEGAL RIGHTS AND RESOURCES FOR BATTERED IMMIGRANTS*, 2004, available at: http://niwaplibrary.wcl.american.edu/public-benefits/benefits-for-qualified-immigrants/PB_BB-Accompanying_Immigrants_Applying_for_Benefits-MANUAL-BB.pdf/view

⁴⁶ U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS) and the U.S. DEPARTMENT OF AGRICULTURE, Policy Guidance Regarding Inquiries into Citizenship, Immigration Status and Social Security Numbers in State Applications for Medicaid, State Children's Health Insurance Program (SCHIP), Temporary Assistance for Needy Families (TANF) & Food Stamps (1/21/2003) available at http://niwaplibrary.wcl.american.edu/reference/additional-materials/public-benefits/social-security-numbers/HHSmemo_ssn-%20in%20applications%20for%20federal%20benefits.pdf/view

⁴⁷ Jordan Tacher and Leslye E. Orloff, *Family Court Bench Card on Immigrant Crime Victim Access To Public Benefits and Services*

⁴⁸ Field Guidance Re: Prima Facie Review of Form 1-360 when filed by a Self-Petitioning Battered Spouse/Child (March 27, 1998) available at http://niwaplibrary.wcl.american.edu/immigration/yawa-self-petition-and-cancellation/government-memoranda-and-factsheets/VAWA_Bednarz%20Prima%20Facie%20Memo_03.27.98.pdf/view