

“Children of Battered
Immigrant Women: An
Assessment of the Cumulative
Effects of Violence, Access to
Services and Immigrant
Status.”

International Family Violence
Conference,
September 19-25, 2004

San Diego, CA



BY

N. Ammar,
Kent State Univ

L. Orloff,
Legal Momentum

G. Aguilar Hass,

M. A. Dutton,
Georgetown Univ



Introduction

At the conceptual level, recent research has documented a pervasive relationship between child maltreatment and domestic violence among main stream families (Osofsky 2003; Cox, Kotch and Everson 2003; Hartley 2002; Huth-Bocks, Levendosky and Semel 2001; Carlson 2000; Jonson-Reid 1998).



This conceptualization linking DV and C/AN within main stream culture, has not been explored in new immigrant communities.

This is an exploratory examination of the co-occurrence of domestic violence and maltreatment of children among immigrant Latina families.

For Main Stream Families

- Research has shown that co-occurrence of domestic violence (DV) and child abuse/neglect(C/AN) is between 30-40% (Edleson 1999).
- Straus and Gelles (1990) in a national survey on family violence found that children in houses where there was battering were twice as likely to be abused compared to homes where there is no battering.



➤ McKay (1994) shows in her review of domestic violence that between 45-75% of women in shelters report that their children experienced one or more forms of maltreatment.



Children exposed to violence in their homes are affected whether they are victims or witnesses.

“Affected” is the broadest reincarnation of the issue of exposure to, experience of or feeling of violence by children whose mothers are battered/abused.



The research on the experiences of the families of U.S. citizens shows direct and indirect effects of domestic violence on children's health and well being (English, Marshall and Stewart 2003; Huth-Bocks, Levendosky and Semel 2001; Osofsky 2003).



Studies have found that some children display elevated posttraumatic stress, a profound sense of helplessness, hyper vigilance and low self esteem (Kolbo and Engelman 1996; Rossman 1998; Dutton, 2000; Carlson 2000).



Other studies (Moore and Pepler 1998; Cox, Koch and Everson 2003) found children's response to interparental conflict resulting in external behavioral problems such as aggression, disobedience, non-compliance, delinquency and adult criminal acts.



Also a number of studies (Silvern, Karyl, Walede et al. 1995; Maker et Al. 1998; Langhinrichsen-Rohling et al., 1998) show that children who witness marital violence experience adjustment problems as young adults and that young women especially are at a higher risk of dating violence including sexual assault and battering.



More recent research has shown numerous long-term effects of domestic violence on children.

- health problems (English, Marshall and Stewart, 2003)

- intellectual functioning (Huth-Bocks, Levendosky and Semel 2001),

- becoming school bullies (Steinberg 2000; Farrington 1993; Baldry 2003);

- adult criminal behavior (Widom 1989)



-an impact on children's neurocognitive development which leads to lower intelligence (Koenen, Moffitt, Caspi, Taylor, and Purcell 2003).



A Brief Look At Immigration



Scholarship has shown the incidence of DV is not higher among new immigrants but rather the recency of the immigrant experience including limited language skills, isolation, lack of economic support, uncertain legal status often exacerbates the conditions of domestic violence (Orloff, Dutton, Hass, Ammar 2003; Menjivar, Salcido 2002).



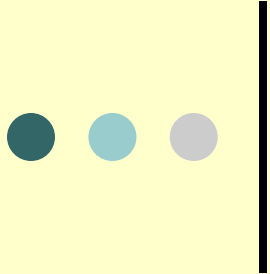
Record-high immigration growth since 1990 has increased the need for the understanding immigrant populations.

➤ Between 1990 and 2000, immigrants and their offspring grew from 18 percent to 26 percent of the population.



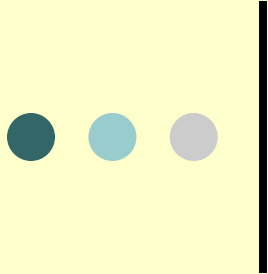
➤ Today, one in five children in the U.S.—and one in four low-income children—is the child of an immigrant (Passel, Capps and Fix 2004).

➤ In 1970, two of the ten leading countries of foreign birth were Latin American or Asian. By 2000, these regions supplied 9 of the top 10.



➤ Further, whereas the number of immigrants residing in counties with at least 100,000 persons in the United States was 20% in 1970, in 2000 it was 41 (Passel, Capps and Fix).

➤ In another major shift, immigrants no longer concentrated in a few cities and states, where they often developed strong community institutions. Today immigrant populations are settling in many urban and rural communities that previously had no significant immigrant population.



The new growth states, their domestic violence organizations and child protective services have less experience with immigrants, and many have a less developed social infrastructure and fewer immigrant organizations.

To compound this situation, recent immigrants are less likely to have marketable skills, including a command of English, and thus require a more consistent facilitation to help them access benefits and services (Passel,¹⁹ Capps and Fix 2004)



A Brief Look At Battered Immigrant Women





- Immigrant women often come from countries where violence against women is not a crime.
- Isolation of immigrant women occurs in particular ways including:
 - Preventing women from enrolling in English classes (ESL)
 - Forbidding her from going to school
 - Controlling access to her legal papers
 - Limiting her mobility by forbidding her to drive or learn how to drive
 - Preventing her from communication with her family or friends through letters or the phone



- The move to the U.S. for women is often associated with a loss of familial and social support network, and with being dependent on the husband for their immigration status.
- Battered immigrant women often do not have language or employment skills to function in the outside world or in the labor market.
- Immigration related issues are another tool of abuse



The traditional disempowerment of women in immigrant and refugee families is compounded for those battered among them.



- Research has established that conditions such as:
 - a higher number of family stressors
 - maternal symptoms of stress
 - povertycontribute to an increased risk of co-occurrence of DV and C/AN (Prinz & Feerick 2003).



As a result better understanding of battered immigrant women's families is necessary to identify the specific characteristics linking DV and C/AN under exacerbated conditions of immigrant families experiencing violence.



This research uses the results from an interview-questionnaire conducted in the D.C. area in 1994. The interview was modeled after a Coalition for Immigrant and Refugee Rights and Services (CIRRS) study that was conducted in San Francisco in 1990.



The survey instrument sought information regarding

- demographics,
- language abilities,
- immigration status,
- current problems,
- domestic violence,
- acculturation,
- support systems,
- economics,
- work history,
- housing, and other relevant data



Interviews were conducted in Spanish with each session lasting approximately one to two hours.

The participants were 266 women who reported intimate partner violence from a larger study.



The women were recruited by announcement distributions at local institutions in the Washington, D.C. metropolitan area, including schools, health clinics, churches, community based organizations, and by snow ball sampling.



Two groups recruited into survey:

- **General Population:** To qualify for the general population group participants had to be women who had
 - immigrated to the U.S., and
 - identified Spanish as their first language
 - No information about domestic violence experience was know about these participants before the survey began
- 49.8% of the general population group reported experiencing domestic violence in their life time



Help Seeking Group Were Women Who Had

- immigrated to the U.S., and
- identified Spanish as their first language
- sought help for or reported some form of intimate partner violence since being in the United States



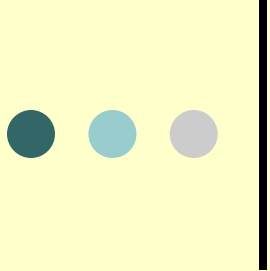
□ Participants included both help-seeking women and women in the general community.

□ The participants were questioned by trained interviewers who were members of the participants' own community.



□ The interviewers and interviewees were matched in terms of ethnicity and psychosocial background.

□ Respondents provided consent to participate in the study and the participants were offered a referral to a local support group for victims of domestic violence.



The following research questions were the among focuses of this study:

- Is there co-occurrence of DV and child maltreatment ?
- What kind of abuse?
- Do these immigrant battered women seek help?
- What kind of help?
- Are there any problems they face when seeking help?

The Respondents

● ● ● The largest number of women interviewed were from El Salvador (45%). Other countries of origin included which had a number of interviewees included Mexico, Honduras, Guatemala, Peru, Bolivia, Dominican Republic, and Colombia.

There were fewer than 10 respondents from the each of the following: countries: Cost Rica, Ecuador, Chile, Uruguay, Argentina, Paraguay, Panama, and Brazil.



- Approximately 80% of those interviewed had their children living with them.
- Many of them (69%) have had the kids living with them during the last 3 years.
- Only 8% of the women interviewed had no children.
- 20.4% had one child.
- Almost 70% of the women had more than one child.



- Most of the women were raising their own children (84%).
- A very small percentage were raising one or two children who were not their own (5%, 1 child & 3% 2 children).
- The women were mostly either married or single (30% in each group).
- A large percentage of the children of the immigrant women interviewed were born in the U.S. (70%).



- Most of the mothers had been in the U.S. for mostly 10 years or less (92%)
- More than half (60%) of the mothers had been in the U.S. for 5 years or less.



The women's immigration status as reported shows that they were largely not U.S. citizens:

- (42%) were undocumented,
- (27%) had some temporary residence,
- (26%) had a stable kind of residence.



This is an immigrant population that was not fluent in English.

- Almost 78% of the women either spoke no or very little English.
- Also more than 80% of the women did not read or read very little English.



Educational Level:

- Most of the women (52%) had 8th grade education or less.
- While 13% had a high school education or more.



- Most of the women (75%) of them had some family members living in the US.
- A smaller proportion of the women reported that the fathers of their children had family living in the U.S. (35%).



Domestic Violence and Children

One hundred and twelve women (almost 50%) reported that some kind of violence against them happened in front of the children



Best Way to Improve Outcomes For Children Is To Assist Mother's Efforts To End Domestic Violence

- Research among Latina immigrant found
 - 80% had children living with them
 - Domestic violence-child abuse co-occurrence 40-44% (Similar to national statistics)
 - Co-occurrence among:
 - Help seekers – 23%
 - Abused immigrants who did not seek help 77%
 - Children of help seekers 20% less likely to have abuser threaten them
 - One third less likely to have abuser threaten to take them away from their mother



A further analysis of which kind of abuse took place in front of the children shows that:

- most frequent is emotional, 57% (n. 129) ,
- then physical 44% (n.89),
- and last was sexual 4%(n.9).



Physical Abuse Reported:

- locked the kids in the house or room
- locked kids out of house or room
- thrown kids out of house
- pushed your kids
- pulled kid's hair
- scratched kids
- hit the kids
- kicked the kids
- chocked the kids



Physical Cont.

- burned the kids
- endangered the kids lives in car
- ran over (or tried) kids in car
- threw objects at kids
- attacked kids with a knife
- attacked or shot kids with gun
- attacked kids with other weapon
- hit kids with other object
- threatened kids with a weapon



Emotional Abuse Reported

- insulted kids
- took kids papers
- shouted at your kids
- verbally intimidated your kids
- publicly humiliated your kids
- forced your kids to be silent
- forbid kids to learn English
- forbid kids to go to school
- forbid kids from seeing friends,



Emotional Abuse

- forbid kids from having friends
- isolated your children
- kept kids out of after school programs
- emotionally mistreated your kids
- threatened to throw kids out of the house (threatened to throw you out).



Sexual Abuse Reported

- forced kids to have sex with him
- sexually molested your kids
- raped your children



Almost one third of the women (n.73) said yes to the question “has any one hurt your children?”

Again the most prevalent kind of abuses were

- emotional (29.6%, n.67),
- physical (19%, n.43),
- while sexual abuse represented .4% of the responses



To the question “who abused your children?”

➤ 24% (n.54) of the women stated that it was either their father or step father.

➤ There were no women reported as abusing the children (e.g. grandmother, aunt, female friend, etc.)



To the question “does your abuser hurt the kids?”

➤ almost 21% (47) of the women said yes.

➤ a large number of missing cases characterized the answer to this question (almost 50%, 143 cases).



A cross-tabulation (of violent acts against mother/violent acts against children) was used.

➤ A rate of 35% (n.73 of the cases) of co-occurrence of the two.

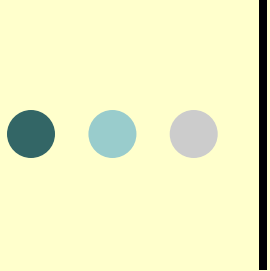


For a better measure of the co-occurrence of DV/CAM we cross tabulated the three categories of abuse reported by the mother about herself and that reported by the mother about the children:

physical,
emotional,
Sexual.

The results were:

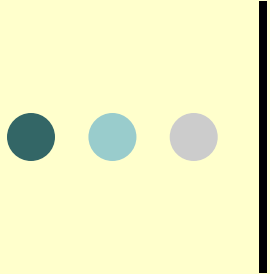
- emotional abuse co-occurred at the highest rate of 30.6% (n. 67),
- next came physical abuse at the rate of (11%),
- sexual abuse as a separate category did not co-occur (i.e. mothers reported sexual abuse for themselves only).



➤ More children witnessed abuse (39.4%) than those who actually experienced it.

➤ Half of the respondents (50%, n. 113) answered no the question: “have you tried to obtain services?”

➤ While 45% (n.102) said yes, they tried to obtain services.

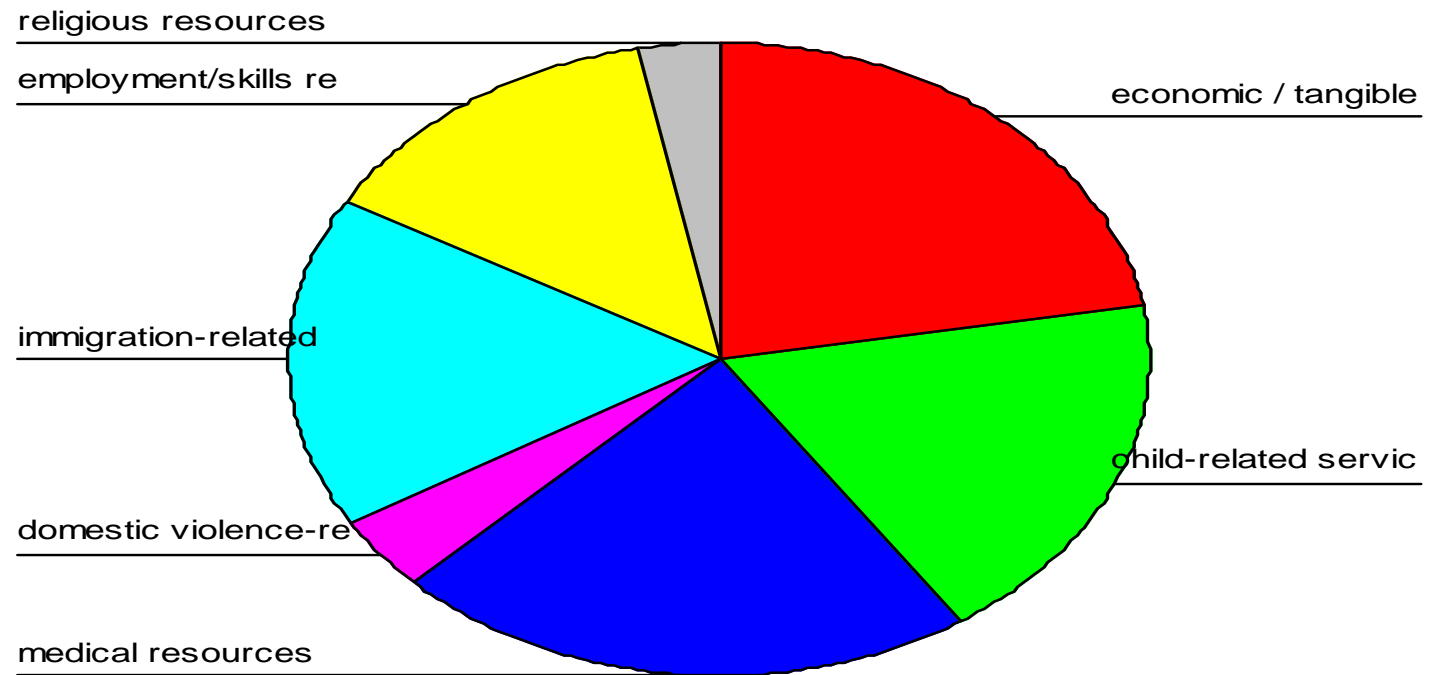


➤ Of the women who answered (197) almost half used government services (43.4%, n. 98) and the other half (43.8%, n. 99) did not use any of these services.

➤ Those who used government services used no more than six. The majority have used one service 12.4% (n.28), with the second highest being 3 services 8.8% (n.20).



The following graph shows the kinds of services accessed in general (interesting to see how DV is accessed relative to other services.)





- In response to question, “what is the single most important service you used?”
- housing was the largest number, 45 women (19.9%).
 - second was immigration by 32 (14.2%).
 - third employment by 24 (10.6%).
 - fourth emergency medical care by 15 (6.6%).
 - battered services by 12 (5.3%) .
 - Child abuse ranked second to the last in a ranking of 27 services (reported by 2 women, .9%).



➤ Ninety nine (44%) women reported using services for children.

What follows is a table containing a rank order of what services were used most:

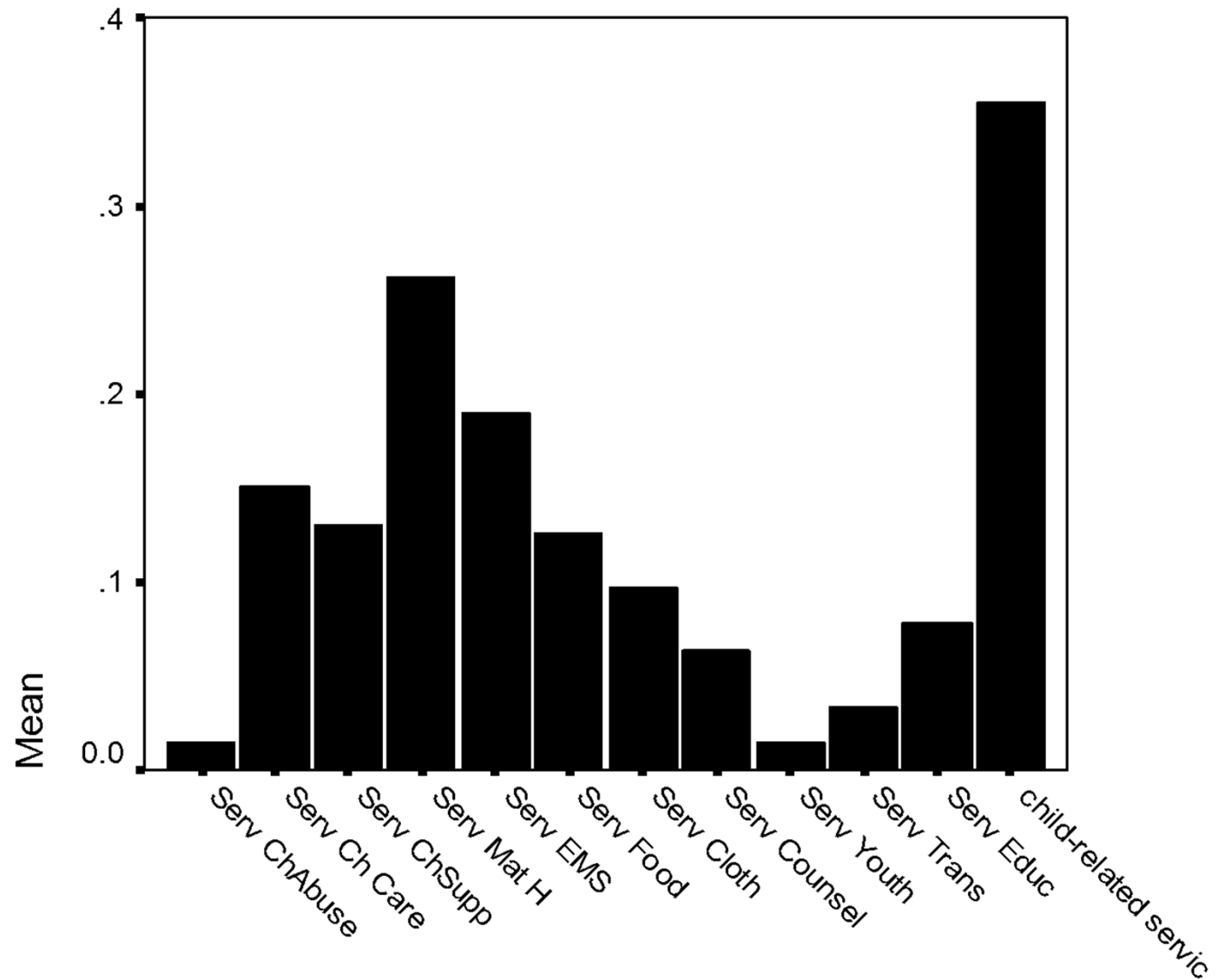
Rank of Service	Service Used
1. Gov. Food Stamps	57 (25%)
2. Free Meals	52 (23%)
3. Child Care[not gov. funded]	29 (12.8%)
4. Child Support	14 (6%)
5. Welfare	4 (.17%)
6. Child Abuse Aide	8 (3.5%)



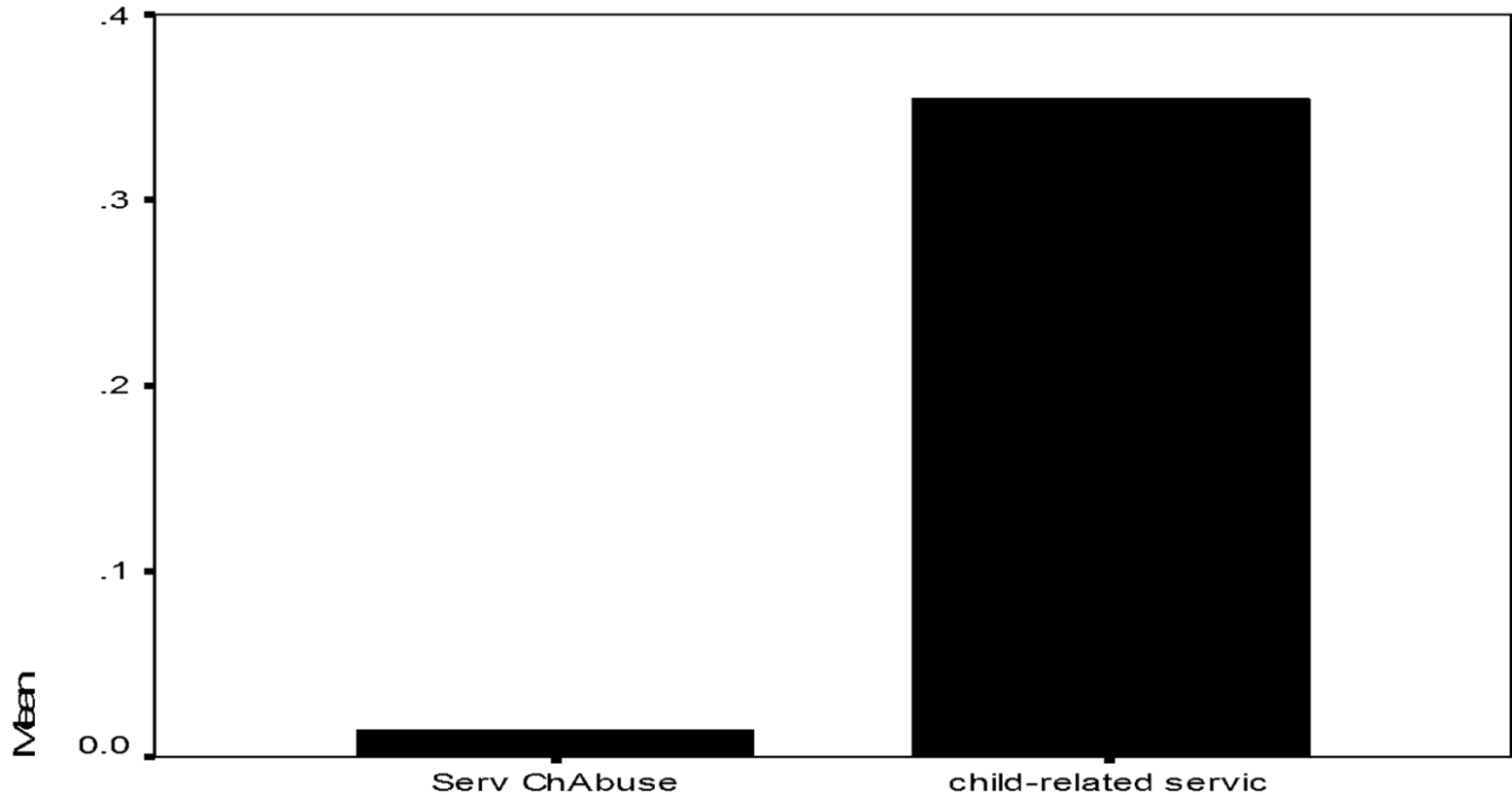
➤ Child related services was the third highest kind of service used by the women.

➤ Use of child abuse services within child related services, or all other related services was still very small.

Child Related Services Used



The following Table gives us a visual sense of the usage of Child Abuse Related Services



Child Abuse Service Use Compared to Other Child Related Services



➤ The data shows that those who seek help have reported an almost 5% higher rate of child abuse than those who are not seeking help (38% vs. 33.5% respectively).

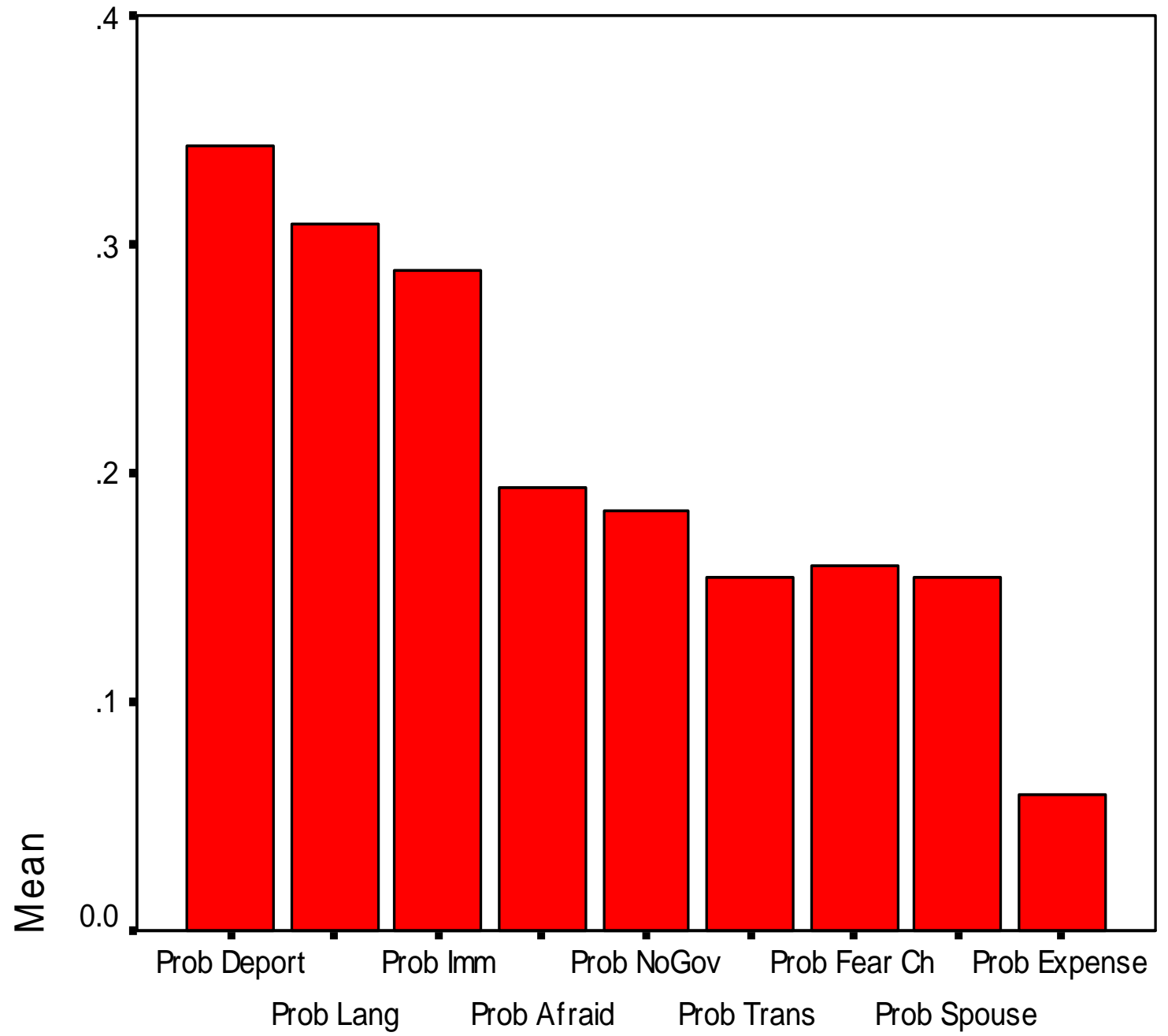
➤ Nevertheless those who are not seeking help still have a high enough incident-rate of reported child abuse.



With more than one third of the women (using or not using services) reporting some kind of child abuse/maltreatment why is this population not using services?



Obstacle	Number(Percentage) Reported
Deportation	72 (32%)
Language	66 (29.2%)
Afraid to Contact Agency	40(17.7%)
Worker Did Not Understand	30(13.3%)
Don't Want to Use Gov. Services	38 (16.8%)
Transportation	34 (17.7%)
Fear of Children Taken	32 (14.2%)
Afraid of Spouse	31 (13.7%)
Lack of Respect	15 (6.6%)
Expense	12 (5.3%)
Other	12 (5.3%)





The entire sample/ help seeking or not gave the following answers to the question: “what kind of problems with service?”

32 no problem (14%)

114 1 to 3 problems (50%)

54 4 or more problems (23%)

Summary:

1. There is a co-occurrence of domestic violence and child maltreatment (39%) among this sample of immigrant battered women.
2. More children witness violence that experience it.
3. The violence reported as experienced by most is emotional and physical. Sexual abuse is not reported.



4. Women do not seek many services.

5. Services they use are often outside the domain of DV or CA/M.

Women Use:

- Housing
- Immigration
- Employment
- Health Care



Children Services Used are also economic or network/support:

- Food Stamps
- Free Meals
- Child Care



The barriers for using services are also not correlated to the experience of DV, CA/M

Barriers For Using Services:

- Deportation
- Language
- Contact Agency (fear of)
- The worker did not understand the problem



Methodological Issues.

It would be useful to :

- ✓ Interview both mothers and children regarding the occurrence of violence.
- ✓ Conduct research overtime to understand the process of help seeking, its barriers and benefits.



✓ Conduct research where there is a larger number of help seekers than this one, allowing us to gauge the issues about service delivery better.

✓ Conduct work in a multi-national immigrant population to understand the factors from a broader perspective.



Understanding the Issues:

Rachel Rodriguez (2004, VAWA 10th year anniversary) examined her research on battered immigrant farm workers from a structural violence perspective.

The idea is that the micro abuse (DV, CA/M) takes place within a larger context where itself is violent, not open to the immigrant experience, not respectful of the non-main stream culture, and so on is the problem of immigrant battered women and their children who are affected by the

⁷⁸
violence



So the issue of battered immigrant women and their children who witness violence is not only:

Increasing number of services dealing with DV and CA/M

This research shows that they don't really seek services. Make services more accessible to the battered immigrant women and their children... by addressing their fears, making the place more hospitable, have bilingual workers, have documented translated , and address other manifestations of DV, CA/M such as employment, benefits, immigration, etc.



Policy Implications

- Battered immigrants need to receive information about legal options particularly
 - Immigration relief
- Judges, custody evaluators and all involved in child custody determinations need to understand
 - Immigrant victims legal rights
 - How abusers can try to use immigration status to avoid laws designed to limit abuser's ability to gain custody of children



Policy Implications

- Dangers for immigrant victims
- Failure to protect cases
 - Immigration implications
- Bring child abuse cases against the victim
- Help her find legal representation
 - Creative approaches

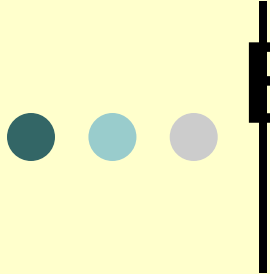


*Immigrant Victims of
Domestic Violence
and Sexual Assault
& The Violence
Against Women Act*

Potential Immigration

Legal Remedies

- Affirmative Applications
 - VAWA self petition
 - Conditional residents waivers
 - U visa
 - T visa
- Defensive Applications
(Before immigration judge)
 - Lawful permanent residency based on approved self-petition
 - Cancellation of Removal/Suspension under VAWA
 - Asylum/Gender asylum



Battered Spouse Waiver

- The battered immigrant has 2 year conditional residence.
- Proof of abuse required.
- Must prove that the marriage was valid.
- Divorce does not bar applying for a waiver of the joint petitioning requirement
- Abusive spouse does not need to sign any papers or appear at any interview with INS
- Battered immigrants do not have to wait two years to get lawful permanent residency.

General VAWA Self-Petitioning Requirements

- Subjected to Battery or Extreme Cruelty
- By a U.S. Citizen or Lawful Permanent Resident Spouse or Parent
- With Whom You Resided
- Good Moral Character
- Good Faith Marriage

Prima Facie Determination = Public Benefits



Who is covered as a “child”?

- Abused biological child
- Abused step-children
- Abused mother can include children from other relationships in her self-petition
- Termination of parental rights no effect



“Battery & Extreme Cruelty”

- “being the victim of any act of a threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation incest (if the victim is a minor) or forced prostitution shall be considered acts of violence. Other abusive actions may also be acts of violence under this rule. Acts or threatened acts that, in and of themselves, may not initially appear violent may be part of an overall pattern of violence”



Emotional Abuse That Constitutes Extreme Cruelty

- Intimidation
- Economic Abuse
- Isolation
- Employment Related Abuse
- Immigration Related Abuse
- Harm to children, relatives, pets

Evidence

-
-
-
- Any credible evidence
- Critical evidence
 - Applicant's declaration
 - Corroborative evidence
 - Systems documentation: Protection order, medical records, police reports
 - Expert declarations: shelter workers, battered women' advocates, persons providing mental health treatment (not just assessment)
 - Family court findings re: domestic violence, legal marriage, abuser's immigration status

After the Self Petition has been filed:

- **Notice of Prima Facie Determination**

This means the applicant is a “qualified” alien for the purpose of obtaining public assistance.

- **Approval and Deferred Action**

DHS has assigned a low priority to the removal of this person from the United States.

- **Employment Authorization Document**

A card which grants permission to work in the United States



Two ways to obtain a green card:

- adjustment of status in the U.S.
 - VAWA self-petitioners do not have to leave the country
- consular processing outside of the U.S.

Crime Victim Visa Requirements

- Substantial physical or emotional abuse from criminal activity
- Possesses information about criminal activity
- Criminal activity must occur in U.S. or otherwise violate U.S. law
- Certification from government official that victim has been, is likely to be or is being helpful to an
 - Investigation or prosecution of criminal activity



Federally Funded Programs Open to Undocumented Immigrants

Immigration Status Effects A Battered Immigrant's Options

- Both Documented and Undocumented Battered Immigrants Can Access:
 - Protection Orders
 - Shelter
 - Child Custody and Support
 - Police Assistance
 - Legal Services (some limitations)



All Battered Immigrants Can:

- Obtain Public Benefits for Their Children
- Receive Emergency Medical Care
- Have Their Abusers Criminally Prosecuted
- Assistance for Crime Victims
- Community Based Services Necessary to Protect Life and Safety

Community Based Services Necessary to Protect Life and Safety --Examples

- crisis counseling and intervention
- child & adult protective services
- violence & abuse prevention
- victim assistance
- Soup kitchens, food banks
- Adverse weather conditions help
- Emergency shelter, transitional housing
- Nutrition programs, medical, public, mental health necessary to protect life and safety
- Police, fire, emergency medical assistance




“Federal Public Benefits” are US agency funded/provided:

- Grants, contracts, loans, professional or commercial licenses and
- Benefits for retirement, welfare, health, disability, postsecondary education, public or assisted housing, food assistance or unemployment



Only considered a federal public benefit if:

- Payment made or assistance provided directly to:
 - An individual
 - A household
 - A family eligibility unit



- **Short-term shelter or housing assistance for the homeless, victims of domestic violence, or for runaway, abused or abandoned children defined as:**

- Emergency shelter
- Transitional housing for up to 2 years
(Open to all persons including undocumented immigrants)

Help for undocumented

- ● ● survivors from HHS funded non-income restricted programs

- Community/migrant health centers
- Community Services Block Grant Funds
- Substance abuse
- Mental Health
- Maternal and Child Health



Federal benefits for “non-qualified” immigrants

- Emergency Medicaid
- Elementary and Secondary Education
- School lunch and breakfast
- WIC
- Short-term non-cash emergency disaster relief
- Immunizations, testing & treatment of communicable diseases
- Community programs that are not conditioned on income



Immigration Status Verification

- Non- profit and charitable organizations are exempt from the welfare reform law's requirement to verify immigration status of those seeking services.

- **All federal, state, local agencies, both governmental and non-profits:**
 - Who receive any federal funds
 - Are subject to federal civil rights laws barring discrimination based on
 - Race,
 - Color
 - National Origin



When children qualify and their parents do not:

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



Policy Guidance

General Principles

“Non-applicant” family members:

immigrant family members who do not expect to receive benefits

must *not* be required to disclose:

- **Proof of immigration/citizenship status; or**
- **SSNs**

- ● ● | Importance of Accompaniment
- Dangers of Reporting
- Federal Requirements
- Widespread Problems Nationally
 - Turned away at the door
 - Denied benefits for citizen children
 - VAWA eligible denied benefits
- Need witnesses and documentation of treatment by benefits workers



Qualified Immigrant Access to Federal public Benefits

- All qualified immigrants can access some federal public benefits
- Which benefits they can access depends on
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs



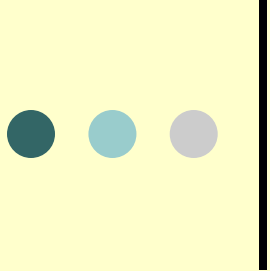
Qualified Immigrant Access to Federal public Benefits

- All qualified immigrants can access some federal public benefits
- Which benefits they can access depends on
 - Immigration status
 - When they entered the United States
 - Whether they meet heightened program requirements for some programs



● ● ● Who are “qualified immigrants”?

- Persons who have been battered or subject to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent, with pending or approved VAWA cases or family-based petitions before INS



Who are “qualified immigrants”?

- Persons whose children have been battered or subject to extreme cruelty by the US citizen or lawful permanent resident other parent, with pending or approved VAWA cases or family-based petitions before INS.

Partial List of Federal Public Benefits/Community Programs Open to All Qualified Immigrants


- Medicaid
- Subsidized Housing Programs
- Public and Assisted Housing
- Social Security
- Head Start
- Post-Secondary Education

Federal Public Benefits for All Qualified Immigrants- Cont

- Social Service Block Grants
- State Child Health Insurance Program
- Title XX Block Grant Funds
- Immunizations, Testing and Treatment of Communicable Diseases
- Short-Term Non-Cash Disaster Relief
- School Lunch and Breakfast Programs
- Child Nutrition Programs

Federal Means-Tested Public Benefits Open to Certain Qualified Immigrants

- TANF (Persons who first entered U.S. after 8/22/96 barred for 5 years after they become qualified immigrants unless exempt)
- Medicaid and SCHIP (Persons who first entered U.S. after 8/22/96 barred from non-emergency Medicaid and SCHIP for 5 years after they become qualified immigrants unless exempt)



Federal Means-Tested Benefits for Qualified Immigrants

- Supplemental Security Income
 - Only if entered before 8/22/96 and exempt
 - Persons receiving SSI on 8/22/96 grandfathered
 - Persons who first entered U.S. after 8/22/96 barred for 5 years after they become qualified immigrants unless exempt

Food Stamp Eligibility

- Immigrants who entered before 8/22/96 and are:
 - Elderly individuals born before 8/22/31
- Qualified immigrant children under 18 regardless of date of entry (Effective October 1, 2003)
- Qualified immigrants who receive a disability benefit, regardless of the date of entry (Effective October 1, 2002)
- Qualified Immigrants living in the US for five years (Effective April 1, 2003)