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Nevada: Crime Victim Compensation Success

The National Immigrant Women's Advocacy Project (NIWAP) wishes to congratulate the *Nevada Coalition to End domestic and Sexual Violence*, the *Legal Aid Center of Southern Nevada*, and the other advocates who were involved in securing passage of a new law that goes into effect July 1, 2017.

Beginning in July, for the first time since the creation of Victims of Crime Act (VOCA) funded victim's compensation in 1969, crime victim's compensation will be available without immigration status or citizenship restrictions to victims of crime perpetrated in Nevada. Crime victim compensation will be available in Nevada to all victims without regard to the victim's residence in the state of Nevada. With Nevada's change in its law, VOCA funded crime victim's compensation to immigrant crime victims in all but one state (Alabama).

In support of advocacy in Nevada to secure this change NIWAP conducted a survey on the impact that lack of access to VOCA funded crime victims compensation had on immigrant survivors. The survey found that victims of domestic violence who do not receive VOCA compensation are staying with their abusers and are subjected to continual victimization while

awaiting adjudication of U visa or VAWA self-petitioner applications.

A legal services organization participating in the survey reported that –

“Those who cannot access resources and services tend to stay with their abusers. One of my clients stayed an additional 7 years after initially being denied services, subjecting herself to ongoing physical abuse rather than risking losing her children. She was only able to leave after her abuser physically turned on the children.”

NIWAP’s survey found that immigrant victims of crime in Nevada who would have been eligible for VOCA crime victim compensation experienced future incidents of the following type of abuse at rates that were higher than victims who could receive VOCA compensation assistance. This future ongoing abuse included incidents, threats and attempts of:

- Physical violence: 46%;
- Sexual violence: 25%;
- Human trafficking: 8.2%
- Extreme cruelty including coercive control: 30%;
- Abuse of the victim’s children: 38%; and
- Economic abuse: 41%

Children in immigrant families who lacked VOCA access in Nevada were witnessing and experiencing abuse as well. Among immigrant victims who were denied, did not, or could not apply for VOCA assistance 87% had children and with over 50% having three or more children in the household.

For more information see the following links:

- July 2016 Office of Victims of Crime preamble to the [final regulations](#) state that: "The final rule also sets forth OVC's policy clarification that victim eligibility for direct services under the VOCA Assistance Program is not dependent on the victim's immigration status".
- [NIWAP's complete survey, legislative history of VOCA and policy memo](#)
- [Nevada's new law](#)

New Tools: Health Care Charts

Access to post-assault health care and prenatal care is particularly crucial for immigrant survivors of domestic violence, child abuse, sexual assault, dating violence and human trafficking, both adults and children. What health care options an immigrant survivor has available to them depends on the state in which they live, the form of legal immigration statue

they have or the type of immigration relief they have filed for, and when they first entered the United States. Health care access options include:

- Ability to access the health care exchanges to purchase health care – [immigrant eligibility](#)
- Post assault health care paid by VOCA victim's compensation, coverage for the costs of a forensic examination in rape cases, and limited coverage through the Emergency Medicaid for urgent post assault treatment or child birth
- Health care subsidies are only available if immigrant victims or their children are qualified immigrants (limited groups can access to federal subsidies) or are lawfully present (some states provide state funded subsidies to some groups of immigrant victims, pregnant immigrant women or immigrant children) – [State funded medical assistance](#)
- Health care from a [public health clinic and other services necessary to protect life and safety](#)

In order to facilitate immigrant crime victim access to healthcare, we have collaborated with a devoted team of lawyers from Morgan, Lewis & Bockius LLP to develop a series of charts that help advocates, attorneys, healthcare, and other professionals working with immigrant victims determine state by state which forms of health which immigrant victims and their children can access. These charts discuss the details in each state regarding the application process and which immigrants are eligible to access the form of health care discussed in the chart by state.

Check out our charts:

- *Post-assault healthcare*
States provide health care assistance to crime victims that includes funding by the Victims of Crime Act Compensation Act (VOCA). Find out how health care for crime victims is funded, what health care services are covered, how victims apply, and which crime victims are covered state by state.
<http://niwaplibrary.wcl.american.edu/pubs/ch17-3-postassault-healthcare-compensation/>
- *Forensic cost coverage*
This is a detailed chart of the forensic examination laws, immigration-related eligibility requirements, and processes to receive payment for forensic examination costs for each state.
<http://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims/>
- *Emergency Medicaid*
Under federal health care, public benefits and immigration laws, states have obligations to provide emergency Medicaid to immigrants without regard to immigration status. Here we provide an overview regarding health benefits and emergency Medicaid for each state.
<http://niwaplibrary.wcl.american.edu/pubs/ch17-1-emergencymedicaid/>
- *Prenatal care*
This chart details the programs that provide prenatal services for immigrants by immigration status, the type of coverage provided, and the eligibility/application process for each state.
<http://niwaplibrary.wcl.american.edu/pubs/ch17-4-prenatal-care/>

Training Course Opportunity: Leadership for Justice

Learn how to advance social change and build lasting leadership skills during this two-week leadership training course from September 4-15, 2017. You will learn ways to navigate and succeed in increasingly complex policy environments and the skills to understand and address the high-stakes challenges that face the clients and communities you serve. Foster your ability to build consensus, motivate and engage others, analyze situations from various perspectives, and connect with diverse audiences. The Shriver Center's [Advocacy Resources and Training Department](#) has trained nearly 300 leaders from more than 80 organizations in 15 states and the District of Columbia, cultivating attorneys, board members, government officials, and community-based organization leaders. Participating in Leadership for Justice provides you access to some of the country's most influential experts in the equal justice community, creating an opportunity to collaborate on efforts, share best practices, and build lasting relationships. [Register and learn more about this course.](#)

Job Opportunity: Kansas Coalition against Sexual and Domestic Violence

Finally, NIWAP would like to highlight a work opportunity available at the Kansas Coalition Against Sexual and Domestic Violence. The Coalition is seeking an immigration project attorney with fluency in Spanish and a knowledge of immigration, domestic violence and sexual assault law. [Learn more about the position.](#)

Resources:

For more information on NIWAP see our [brochure](#).

Be Sure to Check out our Web Library:

This Resource Library and Technical Assistance Center provides timely information on a vast array of topics of interest to those working across the country to help immigrant victims, women and children. The NIWAP library contains a wide range of materials, including legislative history, training manuals, toolkits, sample briefs and motions, factsheets, practice tools, research reports, benchcards, tools for law enforcement, and government policies and regulations. This [searchable library](#) of resources is designed to be used by OVW grantees and other advocates, attorneys, judges and service providers.

Find us on Youtube & Twitter:





NIWAP has its own [Youtube channel](#). New to an issue? Access NIWAP training videos 24-7. We have posted our recent webinars. Topics include "Training for Advocates and Attorneys on Trauma-Informed Work with Immigrant Women", "Obtaining U Visa Certification from Judges," "An Introduction of Law Enforcement to the U Visa," and "Law Enforcement and Advocates Partnering to Serve Immigrant Crime Victims." These videos are helpful for new and seasoned immigrant advocates, attorneys, law enforcement, judges, court staff, and students. To view other materials from these webinars, visit the [NIWAP library for training materials](#). You can also use our [Twitter](#) feed to receive interesting and relevant updates.

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