

Washington State Coalition Against Domestic Violence Distance Learning Course

Public Benefits for Immigrant and Refugee Survivors

Glossary Handout

Here is a list of terms used throughout the PowerPoint presentation in order of their appearance.

DSHS

- Department of Social and Health Services
- This is the primary agency tasked with delivering public benefits in Washington state.

Qualified Alien

- Having one of the following statuses could make a survivor a “qualified alien.”
 - Lawful Permanent Residents
 - Any person not a citizen of the United States who is permitted to reside in the U.S. under legally recognized and lawfully recorded permanent residence as an immigrant.
 - Also known as "Permanent Resident Alien," "Resident Alien Permit Holder," and "Green Card Holder."
 - Refugees
 - Any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution.
 - Persecution or the fear of persecution must be based on the person's race, religion, nationality, membership in a particular social group, or political opinion.
 - A refugee is someone who has applied and been granted this status before entering the US.
 - Asylees
 - A person in the United States or at a port of entry who is found to be unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution.
 - The definition of persecution is the same as for refugees.
 - An asylee is someone who has come to the US without having previously applied for status and meets the above conditions.
 - VAWA Petitioners, Abused spouses or children of LPRs or US citizens with pending or approved visa petition
 - A person who has been approved for legal residency through a VAWA self petition, or VAWA cancellation of removal, or someone who has filed a VAWA self petition (application in process aka prima facie).

- A person can apply for a self petition through VAWA if:
 - That person is/was married to an abusive partner who is a US citizen or permanent resident.
 - That person is a child of an abusive parent who is a U.S. citizen or permanent resident.
 - That person is a parent of an abusive child who is a U.S. citizen or permanent resident.
- This process allows immigrant victims of domestic violence to leave their abusive partner and remain in the US legally.
- Once a self petition is filed the abusive partner has no say in the victim's immigration proceedings.
- If a victim is not married to her abusive partner or that abuser is not a citizen or LPR, she may be able to self petition for a U-Visa.
- Someone with a U-Visa is *not* considered a "qualified alien" at DSHS. But they may be considered PRUCOL—more info on this coming up.

Abused spouses or children, parents of abused children, or children of abused spouses, who have either:

- A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse or unmarried child under age 21 of a Lawful Permanent Resident (LPR) - see definition of LPR below; or
- A notice of "prima facie" approval of a pending self-petition under the Violence Against Women Act (VAWA); or
- Proof of a pending application for suspension of deportation or cancellation of removal under VAWA; and
- The alien no longer resides with the person who committed the abuse.
- Children of an abused spouse do not need their own separate pending or approved petition but are included in their parent's petition if it was filed before they turned age 21. Children of abused persons who meet the conditions above retain their "qualified alien" status even after they turn age 21.
- An abused person who has initiated a self petition under VAWA but has not received notice of "prima facie" approval is not a "qualified alien" but is considered PRUCOL. An abused person who continues to reside with the person who committed the domestic violence is also PRUCOL. For a definition of PRUCOL, see below.
- <http://www.dshs.wa.gov/manuals/wac/388-424-0001.shtml>
- **Victims of Trafficking**
 - Those immigrants who were brought into the US and forced/coerced into the commercial sex trade or used as slave labor.

- These immigrants must also have been certified or approved as victims of trafficking by the Federal Office of Refugee Resettlement.
- For more information, click here
- <http://www.lawhelp.org/documents/3783617933EN.pdf?stateabbrev=/WA/>
- Persons paroled into the U.S. for at least one year
 - Individuals who have been “paroled” into the United States by the U.S. Attorney General under a special provision of the immigration law.
 - This provision is used very sparingly for emergency, humanitarian and public interest reasons.
 - An individual who is paroled into the United States is known as a “parolee.”
- Persons who have been granted withholding of deportation/withholding of removal
- Cuban/Haitian Immigrants
 - Those who are citizens of Cuba or Haiti and have entered the US.
 - These immigrants must have been granted parole (a kind of discretionary legal status), applied for asylum, and have not received a final order of deportation.
- Amerasians
 - Those born to US citizen armed service members Southeast Asia during the Vietnam War.
 - Also includes family members of these children.

PRUCOL

- Persons residing under color of the law
 - This means that the Department of Homeland Security (DHS) knows that a person is in the US, and does not have permanent status, whether they are undocumented or have a temporary status (eg students or visitors), but DHS is not taking steps to deport them.
 - It is not a status like the previous terms, but is a way DSHS classifies those who fall under this definition.
 - The most common reason DV advocates may encounter an immigrant with this classification is when she has applied for but has not been granted a U-Visa or VAWA self-petition. This means she has received a “Receipt Notice” for the application but has not yet been granted the status.

Prima facie

- ***Prima facie*** is a Latin expression meaning "on its first appearance", or "by first instance". It is used in modern legal English to signify that on first examination, a matter appears to be self-evident from the facts.

The Five Year Bar

- Immigrants who are considered “qualified aliens” and entered the U.S. before August 22, 1996 are ***not*** subject to the 5 year bar.

→ Immigrants who are considered “qualified aliens” and entered the U.S. after this date **are** subject to the 5 year bar.

TANF

→ Temporary Assistance to Needy Families (aka welfare)

SFA

→ State Family Assistance (Washington State’s version of TANF for those who do not qualify for TANF)

SSI

→ Supplemental Security Income (Federal disability benefits)

GA-U

→ General Assistance-Unemployable (Washington State’s version of temporary disability)

HUD

→ Department of Housing and Urban Development (Primary agency that oversees public housing)

ICE

→ Immigration and Customs Enforcement

EA-Z Manual

→ Eligibility A-Z Manual

- DSHS manual that lists eligibility criteria.

USCIS

→ United States Citizenship and Immigration Services

CSO

→ Community Service office (aka welfare office)