



**Department of Human Resources  
311 West Saratoga Street  
Baltimore MD 21201**

## **FIA INFORMATION MEMO**

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES  
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT  
FAMILY INVESTMENT SUPERVISORS AND CASE MANAGERS**

**FROM: CHARLES E. HENRY, EXECUTIVE DIRECTOR, FIA  
JOSEPH E. DAVIS, EXECUTIVE DIRECTOR, DHMH/OOE**

**RE: SERVICES FOR IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE**

**PROGRAMS AFFECTED: TCA, FS AND MA**

**ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS**

### **SUMMARY:**

The Office of Civil Rights has received complaints from several advocacy and legal groups concerning instances in which immigrants were improperly denied access to domestic violence shelters and other federally funded benefits because of confusion about eligibility rules. This information memo is a reminder of the services and programs available to immigrants who are victims of domestic battery or extreme cruelty by a family member.

### **REMINDER:**

Information Memo 99-51 defines domestic battery or extreme cruelty as being the victim of any act or threatened act of violence, including forceful detention, which results or threatens to result in physical or mental injury. Psychological abuse, sexual abuse, exploitation, rape, forced prostitution, molestation or incest of a minor are considered acts of violence.

Acts or threatened acts that do not initially appear to be violent may be part of an overall pattern of violence. These acts are considered acts of violence if one or more takes place in the United States while the family relationship between the abuser and the victim exists.

Battered immigrants may qualify for services funded by Health and Human Services (HHS) under the Family Violence Protection and Services Act (FVPSA). There are no immigration restrictions included in FVPSA. HHS has not designated FVPSA monies as a federal public benefit that requires verification of immigration status. Under this program battered immigrants need not verify their alien status to receive battered women's shelter services. If the battered immigrant wishes to apply for TCA, FS or MA, the worker must consider immigration status under the established immigrant regulations for each program.

Battered immigrants that are not qualified aliens can petition Immigration and Naturalization Services (INS) to change their status. Under the Violence Against Women Act of 1994 (VAWA), spouses and children of United States citizens and lawful permanent residents who have been subjected to battery or cruelty while residing with the spouse or parent can petition INS for lawful immigrant status without the knowledge or cooperation of that relative.

#### **INQUIRIES:**

Information Memo 99-51 (pp.19-28) gives detailed information on verifying immigration status for battered immigrants. If you have questions concerning this information memo call Gretchen Simpson at (410) 767-8557. For more information about the rights of battered immigrants contact:

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