

APPENDIX VII

LSC could include assistance (e.g. representation, advocacy, counseling) with any of the following types of laws that could be helpful to immigrant victims of domestic violence, child abuse, elder abuse, stalking, sexual assault, human trafficking or other U visa listed criminal activity:

(1) FAMILY LAW

- a. Divorce
- b. Civil protection orders
- c. Child custody
- d. Adoption
- e. Child protective services cases
- f. Unaccompanied minors
- g. Delinquency proceedings
- h. Child support
- i. Spousal support
- j. Division of property

(2) SAFETY, PRIVACY AND CONFIDENTIALITY UNDER ANY OF THE FOLLOWING LAWS

- a. Violence Against Women Act
- b. Health Insurance Portability and Accountability Act
- c. Family Violence Prevention and Services Act
- d. Victims of Crime Act funding/assistance
- e. Family Educational Rights and Privacy Act
- f. Sexual Assault protection orders
- g. Privileged communications under state or federal laws
- h. State Landlord and Tenant laws
- i. State Employment laws
- j. State Health care laws
- k. Safety Planning (include Interpreter/safety issues)
- l. Civil Protection Orders for Domestic Violence, Stalking, SAPO, Vulnerable Adult
- m. School, housing or landlord no contact orders
- n. General no trespass order
- o. State education laws
- p. Laws governing access to medical or forensic examinations and health care

(3) WORKPLACE SAFETY

- a. Practical Safety Accommodations
- b. Title VII or state law remedies
- c. Americans with Disabilities Act
- d. Leave laws
- e. Safety & other issues for H-2 Visa Immigrants
- f. Examples of relevant State laws
 - i. Workplace Leave: Employees who are victims may not be discriminated against in the workplace; requires employers to provide victims reasonable

workplace safety accommodations and reasonable time off from work to address safety matters.

- ii. Workplace Safety/Stay-away Orders: Upon finding that imminent danger exists to the employees of a business entity, a court may issue a civil restraining order in the name of the business for the protection of the employees.

(4) INCOME SECURITY AND MITIGATING FINANCIAL LOSSES

- a. Public benefits laws including
 - i. TANF, SSI or state income maintenance
 - ii. Health care (e.g. Affordable Care Act, Medicaid, Medicare, Emergency Medicaid, SCHIP, Substance Abuse and Mental Health Programs)
 - iii. Housing (Emergency shelter, transitional housing, public and assisted housing)
 - iv. Nutrition assistance (SNAP, WIC)
 - v. Child care (TANF or Child Care Development Fund)
 - vi. Heating Assistance (LIHEAP)
 - vii. Assistance to refugees
 - viii. Assistance from social services block grant funded programs
 - ix. Disaster assistance
- b. Victim-specific Restitution
- c. Crime Victims Compensation (available except in NV and AL)

(5) EDUCATION LAWS

- a. Title IX
- b. No Child Left Behind Act
- c. Individuals with Disabilities Education Act
- d. Section 504: Protecting Students with Disabilities
- e. Department of Education policy on post-secondary educational grants and loans for immigrant survivors and their children

(6) EMPLOYMENT LAWS

- a. Title VII / State equivalent
- b. EEOC Complaint
- c. EEOC's help for immigrant victims
- d. Private cause of action
- e. Family and Medical Leave Act / State equivalent
- f. Americans with Disabilities Act
- g. Helping the victim seek a transfer of the perpetrator from shared employment, have the perpetrator fired based on the workplace violence and/or address workplace retaliation, create safer work environment/ sexual harassment training, compensate survivor for emotional suffering
- h. If the survivor's job performance is suffering, advocating for: disability leave, unemployment insurance, vacation/sick time/ personal leave, reasonable accommodations and benefit from state specific laws
 - i. E.g., Montana: An individual may not be denied unemployment benefits because the individual left work or was discharged because of circumstances resulting from the individual - or his/her child - being a victim of domestic violence, a sexual assault, or stalking