

## KCSDV LAW AND POLICY E-NEWS

YOUR LEGAL RESOURCE FOR WORKING WITH VICTIMS OF  
SEXUAL & DOMESTIC VIOLENCE AND STALKING IN KANSAS

### **Mixed Immigration Status Families Allowed Federal Housing**

This article is a guide to assisting immigrant families with obtaining federal housing benefits through the U.S. Department of Housing and Urban Development (HUD). Both documented and undocumented persons can be eligible for Public Housing, Project-Based Section 8 and the Section 8 Housing Choice Voucher programs under 24 CFR § 5.504.

When working with families navigating federal housing assistance system it is important to understand the different terms being used to describe their immigration status. “Mixed-Status Family” is a term referring to a family with members of varying legal immigration status. While this term refers to families with both citizen and non-citizen parents and children, these families may consist of members with any combination of legal status. A prevalent situation is one in which the children have citizenship by being born in the U.S. and at least one parent is a non-citizen. “Non-citizen” is a term referring to a person who has not obtained U.S. citizenship, but resides in the U.S. as an undocumented immigrant or a lawful immigrant. A “lawful immigrant” is a person who has received a type of status that allows him or her to legally reside in the U.S. This includes lawful permanent residents, refugees, asylees, temporary visitors, and so many more. A “non-immigrant” is a person who is allowed to enter the U.S. for a specific purpose for a certain period of time. This includes students, tourists, visitors, migrant laborers, and others.

Pursuant to 24 CFR §5.504 families considered ‘mixed families’ are eligible for assistance for federal housing assistance. Eligibility for housing assistance depends on the status of the person receiving benefits (e.g. a child, but not the parent). The amount of rent the tenant(s) pay(s) is prorated, meaning that rent will be based on the number of people in the household who are eligible immigrants. HUD programs do not require that the head of the household be a citizen or eligible immigrant. It is important to note that undocumented persons applying alone or without documented family members are not eligible for this benefit. Confusion and fear regarding eligibility rules has caused a reduction in benefit use among immigrant families. In mixed-status families, there is reluctance to seek benefits even for those who are eligible. Many families with non-citizen members fear interaction with government officials.<sup>1</sup>

The KCSDV Immigration Project also recognizes that this fear of interaction with government officials extends to law enforcement officials and is represented in persons reporting crimes. This fear is directly impacting the survivors of sexual and domestic violence that we are so passionate about assisting. Studies

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<sup>1</sup> Fact Sheet: Mixed-Status Families, Prepared by Ann Beuch, MSW/MPP Candidate, with consultation by John Keller, Executive Director, Immigrant Law Center of Minnesota, <http://cascw.umn.edu/wp-content/uploads/2014/02/Mixed-StatusFamilies.pdf>.

show us that 18% of the U.S. population is immigrant or foreign-born, but less than 1% of reported sexual assaults are against foreign-born victims. Yet, studies show that one in three immigrant women, ages 18-50, report being victims of sexual assault.<sup>2</sup> Research has also demonstrated that the percentage of victims willing to call police after the incident varies greatly between persons in a stable immigration status (reported at 34.4%) as opposed to undocumented immigration status (reported at 14.8%).<sup>3</sup> By working with and advocating for immigrant families we are creating safer and more stable communities in Kansas.

If you feel that your client or someone in your community could benefit from immigration assistance or advocacy please reach out to the KCSDV Immigration Project.

**KCSDV Immigration Project Attorney** - Jenna Christophel [jchristophel@kcsdv.org](mailto:jchristophel@kcsdv.org)

**KCSDV Immigration Advocate** - Yesenia Ceja Ramirez [yceja-ramirez@kcsdv.org](mailto:yceja-ramirez@kcsdv.org)

Link to the full 24 CFR § 5.504 citation: <https://www.gpo.gov/fdsys/pkg/CFR-2018-title24-vol1/xml/CFR-2018-title24-vol1-sec5-504.xml>

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<sup>2</sup> National Violence Against Women Survey: Latina and other foreign-born women are less likely to report rape.

<sup>3</sup> *Legal Momentum, Immigrant Women Program, 2005 Conference*

## WHO'S WHO IN KANSAS DV/SV LAW

This section is the home for information on Kansas attorneys and advocates who are doing stellar work for victims of sexual assault, domestic violence and stalking. We want to feature all of the network referral attorneys and advocates who do the hard work of representing and working with victims. Please feel free to send nominations for Who's Who in DV/SA Law to Jenna Christophel at [jchristophel@kcsdv.org](mailto:jchristophel@kcsdv.org).

**Alyssa Bauer**, Protection Order Project Manager - [abauer@kcsdv.org](mailto:abauer@kcsdv.org)



Alyssa Bauer first joined KCSDV in September of 2017 as the Case Coordinator in our Legal Assistance to Victims Project. Then, following her graduation from the University of Kansas School of Law in May of this year, Alyssa accepted a position as the Protection Order Project Manager. Alyssa is a long time Kansas resident. She grew up in Topeka and earned two Bachelor of Science degrees in Political Science and Criminology from Kansas State University in May of 2015. Alyssa has long been passionate about serving the most vulnerable people in our society, from working with the Crisis Center in Manhattan to serving as a Court Appointed Special Advocate in Lawrence, she continues to give her time to helping others.

Thank you, Alyssa, for all you do for victims-survivors in Kansas! It is only through the amazing work of you and other attorneys that survivors are able to receive the tools they desperately need to pursue safety, security, and healing. We appreciate your service to this Project!

## Upcoming Trainings

### KCSDV Summer CLE Webinar Series

#### **Webinar 5: Protection Orders: Protecting All Victims of SA/DV CLE**

**Wednesday, August 22, 2018 @ 12:00**

Presenters: Jenna Christophel, KCSDV Immigration Project Attorney & Alyssa Bauer, KCSDV Protection Order Project

Objectives:

- Furnishing an overview of KCSDV (Protection Order Project)
- Reviewing the Kansas protection order statute
- Understanding who can apply for a protection order
- Helping immigrant communities feel empowered to seek protection orders
- Understanding advocacy in the civil system for undocumented persons
- Addressing what to do if a protection order is denied

<https://attendee.gotowebinar.com/register/4114057341795967745>

#### **Webinar 6: Ethical Considerations for Nonprofit Attorneys CLE**

**Wednesday, September 5, 2018 @ 12:00**

Presenters: Jenna Christophel, KCSDV Immigration Project Attorney & Jocilyn Oyler, KCSDV LAV Project Attorney

Objectives:

- Furnishing an overview of KCSDV/resources we offer
- Keeping client confidentiality in a nonprofit organization
- Representing clients on behalf of the organization – limited scope agreements
- Understanding what happens when a nonprofit attorney leaves
- Reviewing conflicts of interest & files – how far back should your database go?
- Becoming competent in all nonprofit needs – is it possible?

<https://attendee.gotowebinar.com/register/4114057341795967745>

#### **Questions about the webinars? Contact:**

Jenna Christophel [jchristophel@kcsdv.org](mailto:jchristophel@kcsdv.org) 785-232-9784 ext. 330

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### **Trauma Informed Sexual Assault Training**

for Law Enforcement, Prosecutors, Forensic Nurses, Victim Advocates and Forensic Laboratory Personnel presented by the Kansas Sexual Assault Kit Initiative

**GUEST PRESENTER: CHIEF (Ret.) TOM TREMBLAY** [www.tomtremlayconsulting.com](http://www.tomtremlayconsulting.com)

Sexual assault is one of the most complex crimes in our society and the activism and outrage about sexual assault has never been higher. The complexities of these crimes requires us to think broadly and comprehensively including examining the myths and biases and the new “trauma informed” training, including neurobiology of trauma, for all multidisciplinary partners responsible for the response to sexual assault cases. The effects of trauma are often misinterpreted so justice in sexual assault response begins with understanding of the devastating impacts of sexual violence trauma on victims and survivors. By

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understanding trauma, all those who work with victims can contribute to their immediate and long term recovery and lay the foundation for mutual cooperation and respect on which a successful response, investigation, and prosecution is built.

| <b>Location</b>       | <b>Dates</b>    |
|-----------------------|-----------------|
| Topeka, Kansas        | September 10-11 |
| Overland Park, Kansas | September 13-14 |

Registration fees have been covered by the Kansas Sexual Assault Kit Initiative. To register for a training session or for more information, go to: <http://www.kletc.org/>

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## **Safety, Accountability, Justice: Enhancing Coordinated Responses to Sexual Assault Cases within Multidisciplinary Teams**

Presented by the Kansas Coalition Against Sexual and Domestic Violence and the Kansas Sexual Assault Kit Initiative and Multidisciplinary Working Group for Law Enforcement, Prosecutors, Community-Based Advocates, System-Based Advocates, SANEs, Forensic Nurses, and Forensic Laboratory Personnel  
14 hours CLE & CNE Approved

| <b>Location</b>     | <b>Dates</b>    |
|---------------------|-----------------|
| Wichita, Kansas     | August 21-22    |
| Hays, Kansas        | September 18-19 |
| Garden City, Kansas | September 25-26 |

**Day 1** of this training will focus on defining common goals and understanding each professional's role in sexual assault cases in order to enhance coordinated, trauma-informed responses to sexual assault in communities.

**Day 2** of this training will focus on effective team approaches to victim notification and contact in sexual assault cold cases, including training on the Kansas SAKI victim notification protocol.

Learn more and register at: [www.kcsdv.org/train](http://www.kcsdv.org/train)

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The E-news will regularly include information on events and law you won't want to miss, including upcoming trainings, conferences, legislation, cases that affect survivors of domestic and sexual violence, articles on current news stories, best practices when representing survivors of sexual and domestic violence.

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