

**The Emerging Role of Mental Health Professionals in the Immigration Field**

**Mariela G. Shibley, Psy.D.**  
**October 14, 2021**  
**1pm EDT**







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The MHTTC Network uses affirming, respectful and recovery-oriented language in all activities. That language is:

<b>STRENGTHS-BASED AND HOPEFUL</b>	<b>INVITING TO INDIVIDUALS PARTICIPATING IN THEIR OWN JOURNEYS</b>
<b>INCLUSIVE AND ACCEPTING OF DIVERSE CULTURES, GENDERS, PERSPECTIVES, AND EXPERIENCES</b>	<b>PERSON-FIRST AND FREE OF LABELS</b>
<b>HEALING-CENTERED AND TRAUMA-RESPONSIVE</b>	<b>NON-JUDGMENTAL AND AVOIDING ASSUMPTIONS</b>
	<b>RESPECTFUL, CLEAR AND UNDERSTANDABLE</b>
	<b>CONSISTENT WITH OUR ACTIONS, POLICIES, AND PRODUCTS</b>

Adapted from: <https://mhcc.org/wp-content/uploads/2019/08/Recovery-Oriented-Language-4d4d2019b4c420190800-46a.pdf>

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## Author Disclose Conflicts of Interest

- The author declares no conflicts of interest.



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## Hispanic Heritage Month



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## Dr. Mariela Shibley



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Today's Agenda

- Immigration status along a spectrum
- Adjustment of status and humanitarian forms of immigration relief
- How mental health professionals can assist
- Cultural and ethical considerations when working in this field
- Q & A

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There is no commercial support related to this program and I am not getting paid by my company for this course.  
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In the United States today...

- There are more than 44.8 million first-generation immigrants living in the United States
- **One in seven** U.S. residents is foreign born
- Countries of origin:
  - Mexico; India; China; Philippines; El Salvador; Vietnam, Cuba
- **One in eight** U.S. residents is a native-born U.S. citizen with at least one immigrant parent



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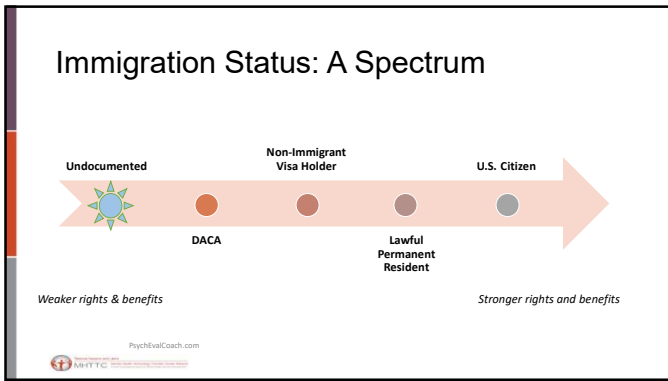
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### Who is "Undocumented?"

An undocumented individual is a non-(US) citizen living in the United States without a current, lawful immigration status.

1. Entered the US without inspection/permission, OR
2. Entered the US with a valid visa or other status, and overstayed the authorized duration of that status, therefore does not currently have lawful status in the US.

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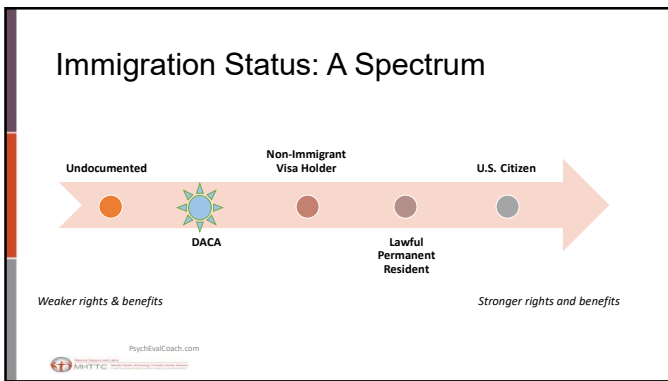
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### Deferred Action for Childhood Arrivals (DACA)

- Allows some individuals unlawfully present in the United States after being brought to the country as children to receive a renewable 2-year period of deferred action from deportation and become eligible for a work permit in the U.S.
- Must meet specific criteria

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### Immigration Status: A Spectrum

The diagram is a horizontal arrow pointing to the right, representing a spectrum of immigration status. From left to right, the categories are: Undocumented (orange dot), DACA (red dot), Non-Immigrant Visa Holder (blue starburst), Lawful Permanent Resident (grey dot), and U.S. Citizen (grey dot). Below the arrow, the text 'Weaker rights & benefits' is on the left and 'Stronger rights and benefits' is on the right. The PsychEvalCoach.com logo is at the bottom left.

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### Non-Immigrant Visa Holders

- Foreign nationals in the United States on a temporary basis for tourism, business, medical treatment and certain types of temporary work

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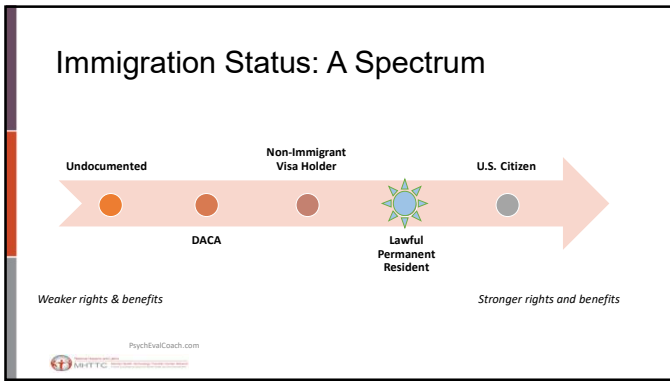
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### Lawful Permanent Resident (LPR)

- Foreign nationals who are lawfully authorized to live permanently within the United States.

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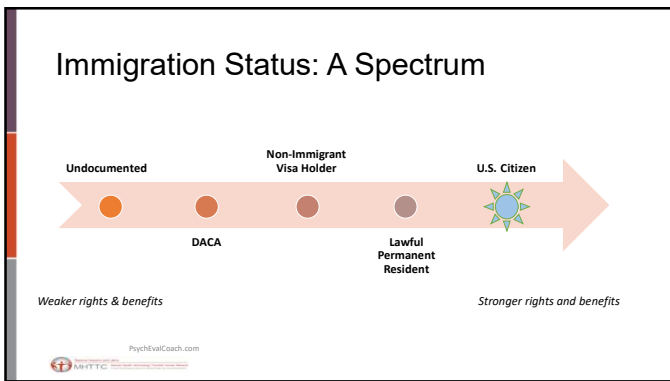
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**Naturalized U.S. Citizens**

- Eligible after maintaining lawful permanent resident status for a certain number of years
- Naturalization interview



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**How can someone become a lawful permanent resident?**

- Family or employment-based petitions**
  - Overcome grounds for inadmissibility
  - Cancellation of removal
  - Hardship waivers
- Humanitarian forms of relief**
  - Asylum
  - Special Immigrant Juvenile Status
  - U or T visa
  - VAWA



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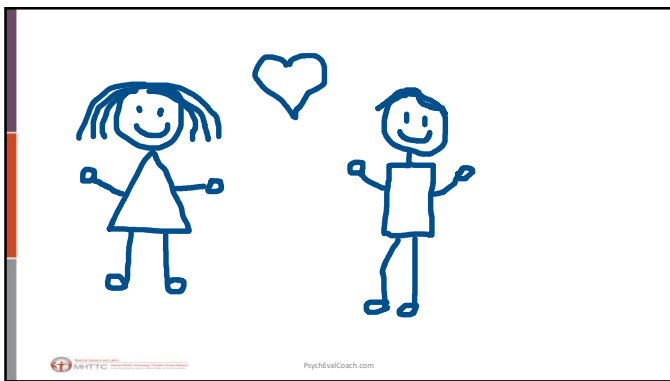
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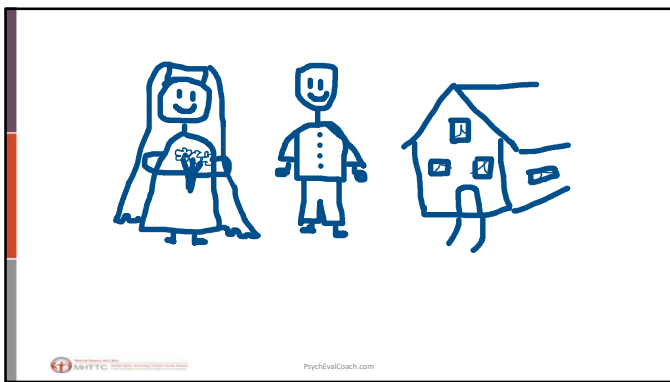
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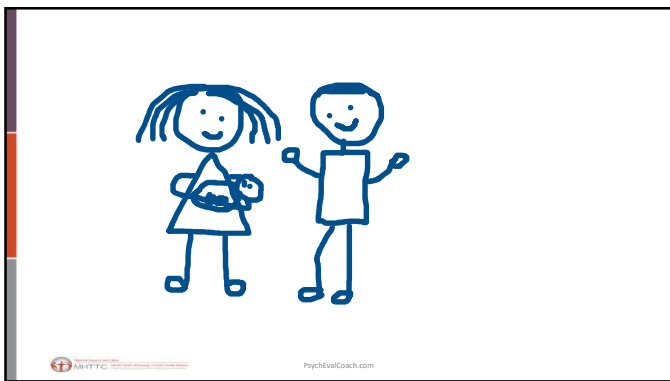
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Humanitarian forms of immigration relief

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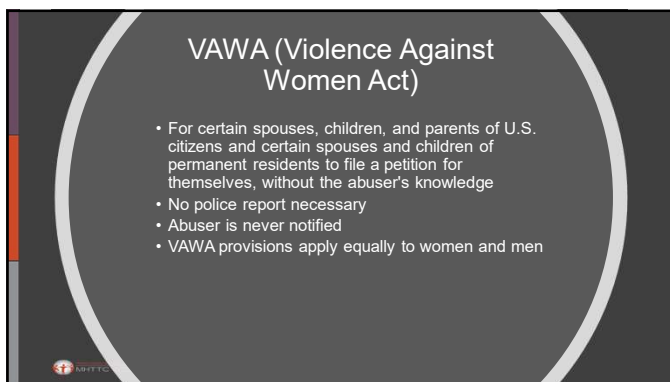
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VAWA (Violence Against Women Act)

- For certain spouses, children, and parents of U.S. citizens and certain spouses and children of permanent residents to file a petition for themselves, without the abuser's knowledge
- No police report necessary
- Abuser is never notified
- VAWA provisions apply equally to women and men

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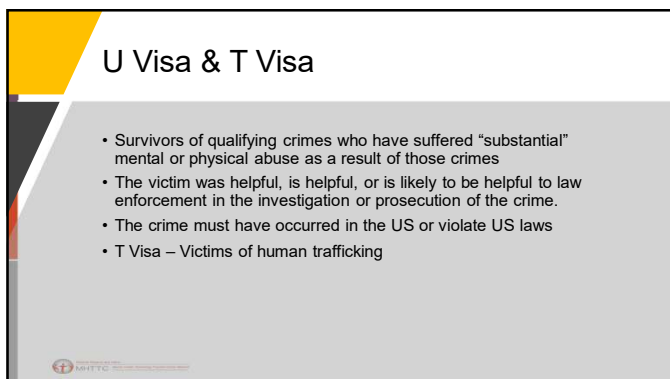
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U Visa & T Visa

- Survivors of qualifying crimes who have suffered "substantial" mental or physical abuse as a result of those crimes
- The victim was helpful, is helpful, or is likely to be helpful to law enforcement in the investigation or prosecution of the crime.
- The crime must have occurred in the US or violate US laws
- T Visa – Victims of human trafficking

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**Asylum;  
Withholding  
of Removal;  
CAT**

**Asylum**

- Past persecution or fear of future persecution if returned to their home country
- Perpetrated by the government or individuals that the government is unwilling or unable to control
- On account of a person's race, religion, nationality, membership in a social group, or political opinion



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**Withholding of Removal**

- Must prove they will "more likely than not" (*i.e.*, a 51% chance) suffer persecution if removed
- Less benefits

**Convention Against Torture.**

- *More likely than not* they would be tortured if removed to a specific country
- **Not** on account of race, religion, etc.
- Even less benefits



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**Special Immigrant Juvenile Status**

- Available to certain minors who have been abused, neglected, or abandoned by one or both parents
- Must be under 21 and unmarried
- Not in the best interest of the minor to return to their country of nationality



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### How do Mental Health Professionals Play a Role?

- Assessing emotional and psychological hardship to qualifying relatives (Waivers, Cancellation of Removal)
- Evaluating the psychological impact of trauma (Asylum, U VISA, T VISA, SIJS)
- Substantiating claims of spousal abuse (VAWA, U VISA, Removal of Conditions)
- Assessing competency
- Evaluating risk or rehabilitative potential (Adam Walsh Act, Bond, etc.)
- Certifying disability exemptions (N-648)



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### Other Ways to Assist

- Affidavits of support
- Treatment
- Support groups
- Psychoeducation



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### Cultural and Ethical Considerations

- Do you have to speak a second language?**
  - No!
- Do you have to be licensed?**
  - Must in some cases (e.g., N-648)
  - Preferably in others (Evaluations)
  - Under supervision (Treatment, evaluations)
  - Not at all (Community work)
- Can you work via telehealth?**
  - Yes! But always follow current guidance from the Department of Health and Human Services (HHS) on the use of telehealth and HIPAA
- Do you need special training?**
  - 2.01 Boundaries of Competence
    - (a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.



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Funded by Substance Abuse and Mental Health Services Administration

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