

WHAT HOUSING ASSISTANCE IS AVAILABLE TO IMMIGRANT SURVIVORS DURING COVID-19?

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Immigrant survivors of domestic violence, sexual assault, dating violence, stalking, and human trafficking face unique challenges when accessing and maintaining safe housing. Housing is a primary concern for survivors living with violence because it directly affects their ability to leave an abusive relationship. COVID-19 has exacerbated problems with safe, accessible, and affordable housing as [survivors are forced to stay at home – making violence in their homes more frequent and dangerous](#). For those survivors looking for alternative, safe housing, there is misinformation among housing providers and survivor advocates about immigrant survivors’ eligibility for housing and homeless assistance programs. Here, we clarify some of these misconceptions as well as provide resources and tools with more detailed information supporting advocacy on behalf of immigrant survivors.



Are immigrant survivors eligible for emergency shelter and transitional housing?

Yes. Access to emergency shelter and transitional housing is critical for survivors of violence. It provides a safe haven necessary for survivors to successfully leave abusive homes and workplaces where they have suffered domestic violence, sexual assault, human trafficking, and other criminal activities perpetrated by their abuser, employer, landlord, or human traffickers. As a matter of federal law, all programs “necessary to protect life or safety” are open to everyone, including undocumented immigrants, and access to these programs cannot be restricted by service providers or by state, territory, or local governments. Therefore, immigrant survivors have a legal right to access emergency shelter and transitional housing programs described below, regardless of their immigrant status, citizenship, nationality, and English language abilities.

The U.S. Department of Housing and Urban Development (HUD) has determined that there are no immigration status requirements for the following homeless assistance programs: Street Outreach Services, Emergency Shelter, Safe Haven, and Rapid Re-Housing. Additionally, transitional housing funded by the federal government [for example, HUD, Office on Violence Against Women (OVW), Office for Victims of Crime (OVC), Department of Health and Human Services (HHS)], where the grant recipient or subrecipient owns or leases the building used to provide the transitional housing, also do not have immigration restrictions.

Immigration status requirements only apply in cases where the transitional housing program provides rental assistance payments. Even then, several groups of immigrant survivors qualify for rental assistance programs, including VAWA self-petitioners, refugees, and survivors of human trafficking with HHS certification.

For more information on immigrant access to shelter and transitional housing, see the [National Immigrant Women's Advocacy Project's \(NIWAP\)](#) publication: [The Impact of the 2020 Public Charge Rule on Transitional Housing](#).

Are immigrant survivors eligible for affordable housing programs?

It depends. There are immigration status requirements for most of the rental assistance programs operated by HUD, including the public housing, Section 8 Housing Choice Voucher, and project-based Section 8 programs, as well as some programs administered by the U.S. Department of Agriculture's [Office of Rural Development \(RD\)](#), such as Section 515 and Section 514/516 programs receiving RD rental assistance, RD voucher program, and Section 514 Farm Labor Housing. To be eligible to receive these subsidies, an immigrant survivor must fall into one of these categories:

- U.S. citizens/nationals
- Lawful permanent residents (green card holders)
- VAWA self-petitioners
- Refugees and asylees
- Parolees
- Persons granted withholding of deportation or cancellation of removal
- Victims of human trafficking with an HHS certification letter
- Persons granted admission for emergent or public interest reasons
- Persons granted amnesty under the Immigration Reform and Control Act of 1986
- Immigrants eligible for registry who entered the U.S. before June 30, 1948
- Lawful U.S. residents under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau, and Guam
- Immigrants admitted for lawful temporary residence before January 1, 1982

Survivors who are VAWA self-petitioners are eligible for most of HUD's rental assistance programs from the moment that they file their self-petition. For more information, see [How to Advocate for Public and Assisted Housing for Your Battered Immigrant or Trafficking Survivor Client](#).

Affordable housing programs paid for by the federal government that do *not* have immigration restrictions include the Low Income Housing Tax Credit, Section 202 housing for the elderly, Section 811 housing for persons with disabilities, Housing Opportunities for Persons With AIDS (HOPWA), Community Development Block Grant (CDBG), and Indian Housing. Additionally,

some states and localities operate rental assistance programs without immigration status requirements.

Are immigrant survivors eligible for housing assistance programs funded by the CARES Act?

It depends. In response to the COVID-19 pandemic, Congress passed several emergency measures providing assistance to individuals and families. The [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#) included funding for several housing programs and other financial assistance. Congress gave some of this assistance directly to states, many of which, in turn, developed their own emergency rental assistance programs.

Much of the shelter and rental assistance funded by the CARES Act does *not* have immigration status requirements. For example, the CARES Act provided \$4 billion in Emergency Solutions Grant (ESG) funding to help prevent an outbreak among people experiencing homelessness and very low-income households. Many services funded through ESG do not have immigration requirements, such as Emergency Shelter, Street Outreach Services, Safe Haven, Rapid Re-Housing, and Transitional Housing that is owned by the grant recipient or subrecipient. Only when the transitional housing program provides rental assistance payments will access be limited to immigrant survivors who are VAWA self-petitioners, human trafficking survivors, or survivors who have another form of qualifying immigration status.

Additionally, under the CARES Act, the Coronavirus Relief Fund (CRF) provided money directly to the states. Some of this money has been used by states or localities to create [emergency rental assistance programs](#) for struggling individuals and families. Emergency rental assistance funded by CRF dollars and paid to landlords on behalf of tenants does *not* have immigration restrictions. States and localities cannot create immigrant access prohibitions for these programs.

For more information on immigrant eligibility for assistance and benefits funded by the CARES Act, see [Frequently Asked Questions: Eligibility for Assistance Based on Immigration Status](#) and NIWAP's [Immigrant Crime Victim Access to Relief during the COVID-19 Crisis under the CARES and FFCRA Acts](#).

How does the public charge rule impact immigrant survivors accessing these benefits?

The [U.S. Department of Homeland Security \(DHS\)](#) issued a “public charge” rule that went into effect on February 24, 2020. This rule requires that immigrants applying for green cards will be subject to a public charge test if they have used certain federal public benefits. The public charge test makes it less likely that an immigrant applicant would be eligible for a green card. The public charge test does *not* apply to legal permanent residents, U.S. citizens, and survivors applying for or who have been granted immigration relief under VAWA, [U-visa](#), or [T-visa](#) programs. The rule also does *not* impact survivors who are seeking or have been granted asylum or refugee status, or special immigrant juvenile status (SIJS). Therefore, survivors who

have or are applying for one of these immigration statuses can continue to use any government programs they qualify for.

There are only three housing programs that are listed for purposes of public charge determinations: the Section 8 Housing Choice Voucher Program, Section 8 Project-Based Rental Assistance, and Public Housing programs – all programs administered by HUD. This means that the public charge test will only impact immigrant survivors who:

- Do not fall into an immigration status mentioned in the prior paragraph;
- Are applying for a green card, are applying for an immigration status other than one listed above, or are applying to reenter the U.S.; and,
- Who have or are receiving subsidies from the Section 8 Housing Choice Voucher, Section 8 Project-Based Rental Assistance, or Public Housing programs.

Only benefits explicitly listed in the rule are considered in a public charge determination. Therefore, other housing and homelessness programs not mentioned in the rule are not considered in the public charge determination.

For more information, see NIWAP's [The Impact of the 2020 Public Charge Rule on Transitional Housing](#) and the [Protecting Immigrant Families](#) campaign's [Know Your Rights materials](#) on public charge.

What other public benefits are immigrant survivors eligible for?

In addition to safe and affordable housing, immigrant survivors may be eligible for a wide range of other public benefits and services. What public benefits a survivor qualifies for varies by the survivor's immigration status or the type of immigration relief the survivor has applied for, what state the survivor is living in, when the survivor first entered the United States, and the type of publicly funded benefit or service the survivor or their children need. To assist advocates in quickly identifying publicly funded benefits and services that a survivor qualifies for, NIWAP developed a [public benefits map](#) identifying the range of government-funded services and benefits that immigrant survivors are eligible for by state.

KNOW YOUR RIGHTS!

Public Charge Messages for Community Members
Updated February 2020

Fight fear with facts. You have rights in this country no matter where you were born. We encourage you to learn more about your situation before making decisions that may harm you or your family. Get the facts, make a plan, and share this information with others.

1

Most immigrants will not be affected.

This DHS public charge regulation does not affect all immigrants. Refugees, asylees, survivors of trafficking, domestic violence and other serious crimes, and other "humanitarian" immigrants are not affected. Benefits received when people are in one of these statuses will not be counted against them. Lawful permanent residents (or people with "green cards") are not affected unless they leave the US for over 180 days and seek to reenter.

2

Many public programs are not considered in the public charge test.

Life-saving food and nutrition programs like WIC, CHIP, school lunches, food banks, shelters, child care assistance, state and locally funded health care, and many more programs are not included in the public charge test.

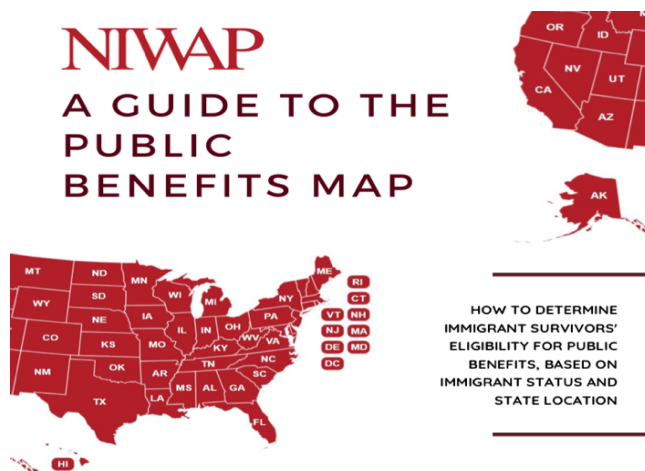
3

Use of public programs does not automatically make you a public charge.

Immigration officials must look at **all your circumstances** in determining whether you are likely to become a public charge in the future. This includes your age, health, income, assets, resources, education/skills, family you must support, and family who will support you. Positive factors, like having a job or health insurance, can be weighed against negative factors, like having used certain benefits or having a health condition. Either way, you will have a chance to show why you are not likely to rely on certain benefits in the future.

 FOR MORE RESOURCES GO TO WWW.PROTECTINGIMMIGRANTFAMILIES.ORG

NIWAP also developed a series of [state-by-state charts](#) tracking a wide range of public benefits that various categories of immigrant survivors are eligible for by state. Further, there is a [guide](#) for using NIWAP's public benefits map and charts. For more information, see NIWAP's, [Programs Open to Immigrant Victims and All Immigrants Without Regard to Immigration Status](#).



Additional Resources:

[Safe Housing Partnerships](#): The need for safe and affordable housing is one of the most vital and immediate concerns for survivors of violence and abuse. Safe Housing Partnerships, the website for the [Domestic Violence and Housing Technical Assistance Consortium](#), offers resources and tools to advance your work at the critical intersection of domestic violence, sexual assault, homelessness, and housing.



NRC DV Report: [The Difference Between Surviving and Not Surviving: Public Benefits Programs and Domestic and Sexual Violence Victims' Economic Security](#) (January 2018) – This report details barriers survivors encounter when trying to access public benefits programs, cross-sector collaboration and systems-level advocacy, and possible legislative changes to these critical programs.

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